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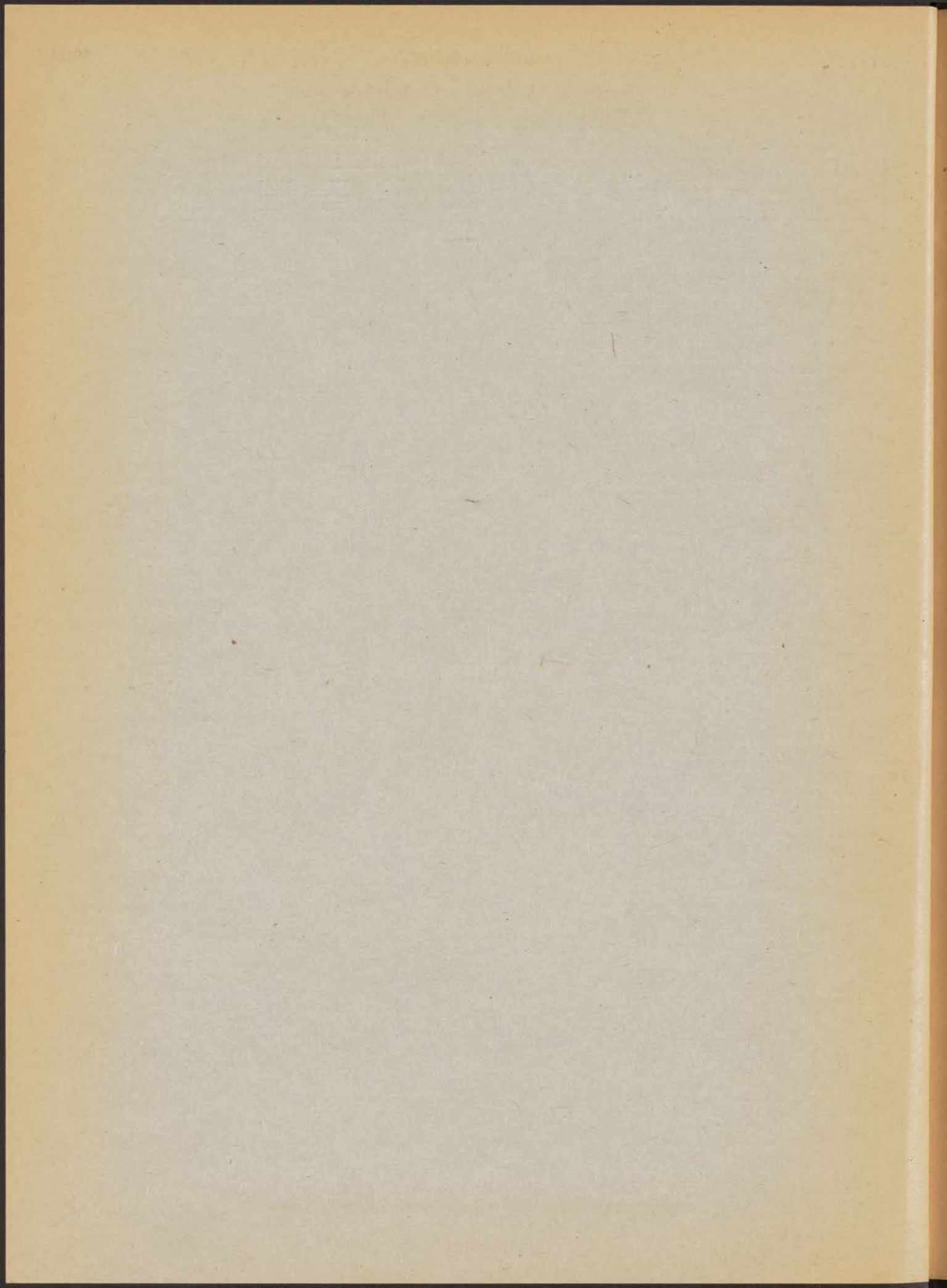
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Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 478]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 16-22, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.778 Valencia Orange Regulation 478.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts,

resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be generally slow. Prices f.o.b. averaged \$3.69 per carton on a reported sales volume of 606 cartons last week, compared with an average f.o.b. price of \$3.64 per carton and sales of 626 cartons a week earlier. Track and rolling supplies at 346 cars were down 17 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 13, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 16, 1974 through August 22, 1974, are hereby fixed as follows:

- (i) District 1: 344,000 cartons;
- (ii) District 2: 281,000 cartons;
- (iii) District: Unlimited movement.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order..

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: August 14, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 74-19010 Filed 8-14-74; 2:03 pm]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-779]

PART 545—OPERATIONS

Marketable Certificates of Deposit

AUGUST 7, 1974.

By Resolution No. 74-541, dated June 12, 1974, effective June 20, 1974, and published in the FEDERAL REGISTER on June 20, 1974 (39 FR 22134) and the Federal Home Loan Bank Board amended Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by adding thereto a new § 545.1-5 (12 CFR 545.1-5) for the purpose of authorizing deposit-type Federal savings and loan associations to issue certain marketable certificates of deposit. The Board considers it desirable to amend said § 545.1-5 by adding a sentence at the end of paragraph (j) thereof to make it clear that a Federal association may not issue or continue to issue a form of such marketable certificate which has been disapproved by the Federal Savings and Loan Insurance Corporation. Accordingly, the Board hereby amends paragraph (j) of said § 545.1-5 to read as set forth below, effective August 15, 1974:

Since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest that the amendment become effective without

such delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board also finds that publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof would likewise be contrary to the public interest; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

§ 545.1-5 Marketable certificates of deposit.

(j) *Filing.* Prior to issuing a certificate under this section, an association shall file with the Federal Savings and Loan Insurance Corporation a copy of the form of certificate which it proposes to issue, together with an opinion of its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and the association's charter. Such filing shall be made by delivering a copy of such form and opinion to a Supervisory Agent (the President or any other officer or employee of the Federal Home Loan Bank of the district in which the home office of the association is located who is designated as an agent of the Federal Savings and Loan Insurance Corporation by or under § 501.10 or § 501.11 of this chapter) and an additional copy to the Director, Office of Industry Development, 320 First Street, N.W., Washington, D.C. 20552. The association shall refrain from issuing such certificate for the shorter period of 30 days from the date such form was filed with the Federal Savings and Loan Insurance Corporation in accordance with the provisions of this paragraph (j) or the date such association receives appropriate written advice that such Corporation has no objection to the use of such form by such association. The association shall not issue, or continue to issue, under this section, any form of certificate as to which form such Corporation has advised such institution in writing that such Corporation objects to the use of such form of certificate.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.
Assistant Secretary.

[FR Doc. 74-18779 Filed 8-14-74; 8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74-780]

PART 563—OPERATIONS

PART 564—SETTLEMENT OF INSURANCE

Marketable Fixed-Rate, Fixed-Term Accounts

AUGUST 7, 1974.

By Resolution No. 74-542, dated June 12, 1974, effective June 20, 1974, and

published in the FEDERAL REGISTER on June 20, 1974 (39 FR 22137), the Federal Home Loan Bank Board amended Parts 563 and 564 of the rules and regulations for Insurance of Accounts (12 CFR Parts 563, 564) for the purpose of approving the issuance of certain marketable fixed-rate, fixed-term accounts by State-chartered insured institutions which are authorized to do so under State law and for the purpose of making certain changes relating to settlement of insurance as to such accounts in the event of default of an insured institution. The Board considers it desirable to further amend said Parts 563 and 564 by:

1. Correcting a typographical error in § 563.3-3(d)(1) of said Part 563 by changing the phrase "inclusive or discount" to read "inclusive of discount";

2. Adding a new sentence at the end of § 563.3-3(h) of said Part 563 to make it clear that an insured institution may not issue or continue to issue a form of marketable certificate which has been disapproved by the Federal Savings and Loan Insurance Corporation; and

3. Adding a new sentence at the end of § 564.9(b) of said Part 564, excepting from the signature-card and withdrawal-rights provisions of said § 564.9(b) any marketable certificate issued under § 545.1-5 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.1-5) or § 563.3-3 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.3-3).

Accordingly, the Board hereby amends said §§ 563.3-3(d)(1), 563.3-3(h) and 564.9(b) to read as set forth below, effective August 15, 1974.

Since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest that the amendments become effective without such delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board also finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof would likewise be contrary to the public interest; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

§ 563.3-3 Marketable fixed-rate, fixed-term accounts.

(d) *Limitations.* In acting under the approval granted by this section, an insured institution shall not issue any certificate.

(1) with a face amount (inclusive of discount, whether or not arrived at in whole or part by add-on calculation) of less than \$100,000;

(h) *Filing.* Prior to issuing a certificate under this section, an insured institution shall file with the Corporation a copy of the form of certificate which it proposes to issue, together with an opin-

ion of its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and (if the insured institution has a charter) the insured institution's charter. Such filing shall be made by delivering a copy of such form and opinion to a Supervisory Agent (the President or any other officer or employee of the Federal Home Loan Bank of the district in which the principal office of the insured institution is located who is designated as an agent of the Corporation by or under § 501.10 or § 507.11 of this chapter) and an additional copy to the Director, Office of Industry Development, 320 First Street, N.W., Washington, D.C. 20552. The insured institution shall refrain from issuing such certificate for the shorter period of 30 days from the date such form was filed with the Corporation in accordance with the provisions of this paragraph (h) or the date such insured institution receives appropriate written advice that the Corporation has no objection to the use of such form by such insured institution. An insured institution shall not issue, or continue to issue, under this section, any form of certificate as to which form such Corporation has advised such institution in writing that such Corporation objects to the use of such form of certificate.

§ 564.9 Joint accounts.

(b) *Qualifying joint accounts.* A joint account shall be deemed to exist for purpose of insurance of accounts, only if each co-owner has personally executed an account signature card and possesses withdrawal rights. The foregoing provisions of this paragraph (b) shall not be applicable with respect to any account evidenced by a certificate of deposit which was issued pursuant to § 545.1-5 of this chapter or evidenced by a certificate which was issued pursuant to the approval granted by § 563.3-3 of this chapter.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc. 74-18780 Filed 8-14-74; 8:45 am]

Title 14—Aeronautics and Space CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NW-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone

On May 15, 1974, a notice of proposed rule making was published in the Fed-

ERAL REGISTER (39 FR 17336), stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Hillsboro, Oregon Control Zone.

Interested persons were given thirty days in which to submit written data, views or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without change.

Effective Date: This amendment shall be effective 0901 G.m.t. October 10, 1974.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington on August 5, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

In § 71.171 (39 FR 354) the description of the Astoria, Oregon, Control Zone would be amended to read:

ASTORIA, OREG.

Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (Latitude 46°09'25" N., Longitude 123°52'38" W.), within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 4.5 miles each side of the Astoria VOR 309° radial, extending from the 5-mile radius zone to 16 miles NW of the VOR.

[FR Doc.74-18748 Filed 8-14-74; 8:45 am]

[Airspace Docket No. 74-NW-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone

On June 25, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 22965) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Astoria Oregon control zone.

Interested persons were given 30 days in which to submit written data, views or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without change.

Effective Date: This amendment shall be effective 0901 G.m.t. October 10, 1974.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, on August 5, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-18747 Filed 8-14-74; 8:45 am]

[Airspace Docket No. 74-EA-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone

On page 20500 of the FEDERAL REGISTER for June 11, 1974, the Federal Aviation Administration published a proposed rule which would alter the Hot Springs, Va., Control Zone (39 FR 390).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. October 10, 1974.

(Sec. 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; (49 U.S.C. 1348), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on July 31, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

1. Amend § 71.171 of Part 71, Federal Aviation regulations so as to alter the description of the Hot Springs, Va. Control Zone by deleting the last sentence and by substituting in lieu thereof: "This control Zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual."

[FR Doc.74-18745 Filed 8-14-74; 8:45 am]

[Airspace Docket No. 74-AL-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Amendment to Control Zone and Jet Route

On June 12, 1974, FR Doc. 74-13377 was published in the FEDERAL REGISTER (39 FR 20586) (amended 39 FR 26718) effective September 12, 1974. This document amended Parts 71 and 75 of the Federal Aviation Regulations, in part, by changing Yakutat, Alaska, RR to Ocean Cape, Alaska, RBN in the description of B-79 airway and the Harbor Point INT reporting point.

An amendment to the description of Blue 79 airway to reflect the change from Yakutat RR to Ocean Cape RBN inadvertently cited the bearing for the southwest course rather than the southeast course of Yakutat. Recomputation of this southeast bearing also indicates that the bearing used in describing the Harbor Point INT reporting point is 139° rather than 140°.

Since this action merely corrects minor errors without altering the location of any route or the dimension of any air-

space, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary; however, as it is essential that the regulation reflect the correct bearing, good cause exists for making this amendment effective August 15, 1974.

In consideration of the foregoing, effective August 15, 1974, FR Doc. 74-13377 (39 FR 20586) is further amended as follows.

In item numbered 4 d. "Ocean Cape, Alaska, RBN 213° bearing." is deleted and "Ocean Cape, Alaska, RBN 139° bearing." substituted therefor.

In item numbered 7 d. "140° bearing Ocean Cape, Alaska, RBN." is deleted and "139° bearing Ocean Cape, Alaska, RBN." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C. on August 8, 1974.

RAYMOND M. McINNIS,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-18746 Filed 8-14-74; 8:45 am]

[Docket No. 12650, Amdts. 121-110, 127-32]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Use of Certificated Land Airports

The purpose of these amendments to Parts 121 and 127 of the Federal Aviation Regulations is to require domestic, flag, and supplemental air carriers certificated under Part 121, and air carriers certificated under Part 127, when conducting operations governed by those parts, to use only airports certificated under Part 139.

These amendments are based on a notice of proposed rulemaking (Notice No. 73-10) issued March 16, 1973, and published in the FEDERAL REGISTER on March 28, 1973 (38 FR 8067). Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all comments received in response to that notice.

Section 121.590 currently requires domestic and flag air carriers operating large aircraft (other than helicopters) to conduct their scheduled operations into regular airports certificated under Part 139. This requirement was consistent with the applicability of Part 139 as originally promulgated. However, effective May 21,

1973, the FAA adopted Amendment No. 139-1 (38 FR 9795; April 20, 1973), and broadened the applicability of Part 139 to prohibit any person from operating a land airport serving any CAB-certificated air carrier unless the airport is certificated under Part 139.

As noted in the preamble to Amendment 139-1, the FAA recognized that the additional airports that are required to comply with Part 139 by virtue of Amendment 139-1 would not be able to comply with all of the requirements of Part 139 before the May 21, 1973, effective date. The FAA had determined that those airports were able to conduct a safe operation, and that provisional airport operating certificates, subject to such terms, conditions, and limitations as the Administrator finds are reasonably necessary to assure safety in air transportation, should be issued to those airports pending their compliance with Part 139. Accordingly, a new § 139.12 was added to Part 139 which provisionally certificated for a period of 45 days airports and heliports, which, on May 20, 1973, were serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft in order that they might continue to serve such air carriers pending compliance with Part 139. Section 139.12 also provided for the extension of that certification to May 21, 1974, upon the request of the airport operator prior to July 5, 1973, and compliance by the operator with the requirements of that section.

Amendment 139-2 to Part 139 (38 FR 17714; July 3, 1973) amended § 139.12 by extending from July 5, 1973, to October 5, 1973, the time within which persons, who on May 20, 1973, were operating an airport or heliport serving a CAB-certificated air carrier conducting only unscheduled operations or operations with small aircraft, might apply for an extension of their airport operating certificate, and to extend the time for filing the reports required by holders of these certificates. Amendment 139-3 to Part 139 (38 FR 27294; October 2, 1973) extended the time for application and the filing of reports from October 5, 1973, to December 15, 1973, for the reasons stated therein.

Amendment 139-4 to Part 139 (38 FR 34461; December 4, 1973) extended the December 15, 1973, date for application and the date for filing of reports to April 2, 1974, and Amendment 139-5 (39 FR 11929; April 1, 1974) further extended the date for submitting the schedule for compliance, and extended the certificate termination date to December 15, 1974.

Accordingly, as explained in Notice 73-10, the FAA considers it necessary in the interest of safety in air transportation to amend Parts 121 and 127 to be consistent with the safety objectives of Part 139 and the broadening of its applicability by Amendment 139-1, by requiring air carriers certificated under Parts 121 and 127 to use airports certificated under Part 139. This amendment applies to all air carrier operations governed by Part 121 regardless of the size of the air-

craft used in the operation. It is to be noted that charter operations are also included as they, too, are governed by Part 121.

Upon further consideration of the proposal in Notice 73-10, in light of comments received, the FAA has concluded that since air taxi operators conducting operations under a CAB approved route substitution agreement do not hold CAB certificate authority, it is not appropriate to restrict those operations to airports certificated under Part 139. Accordingly, that part of the proposal is not adopted in this amendment.

As adopted herein, § 121.590 will prohibit a domestic, flag, or supplemental air carrier, and an air carrier certificated under Part 127, in the conduct of operations governed by Part 121, from operating an aircraft into a land airport in the United States or any territory or possession, unless that airport is certificated under Part 139.

It will be noted that a provision has been added in paragraph (b) of § 121.590 which clearly provides for the applicability of that section to helicopter and small airplane operations.

In addition, it should be pointed out that § 121.590 applies only when the particular operation of the aircraft is governed by Part 121. That section will not, therefore, require the use of an airport certificated under Part 139 for those aircraft operations that are governed by Part 91 rather than Part 121, as in the case of training, ferry, and test flights.

As proposed and adopted herein, § 121.590 explicitly permits the designation and use, as a required alternate airport for departure or destination, an airport that is not certificated under Part 139. All other airports to be used, including regular, provisional, and refueling airports, must be certificated in accordance with Part 139.

The applicability of § 121.590 has been changed from the proposal to include air carriers certificated under Part 127 for scheduled helicopter operations, since they are governed by the provisions of §§ 121.3(g) and 121.5 when conducting charter flights or other special services.

In addition, this amendment adds a new § 127.218 to Part 127 as proposed in the notice.

These amendments are issued under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Parts 121 and 127 of the Federal Aviation Regulations are amended, effective September 14, 1974, as follows:

1. By amending § 121.590 of Part 121 to read as follows:

§ 121.590 Use of certificated land airports: Domestic, flag, and supplemental air carriers certificated by the CAB including their charter operations and their operations with small aircraft.

(a) Unless otherwise authorized by the Administrator, no domestic, flag, or

supplemental air carrier, or air carrier certificated under Part 127 of this chapter, and no pilot being used by them may, in the conduct of operations governed by this part, operate an aircraft into a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter. However, an air carrier may designate and use as a required alternate airport for departure or destination an airport that is not certificated under Part 139 of this chapter.

(b) Notwithstanding §§ 121.9(a) and 121.13(a) and (b), the provisions of this section apply to air carriers specified herein when conducting operations with helicopters or small airplanes.

2. By adding a new § 127.218 to Subpart N of Part 127 to read as follows:

§ 127.218 Use of certificated heliports: scheduled helicopter air carriers.

Unless otherwise authorized by the Administrator, no scheduled helicopter air carrier and no pilot being used by it may, in the conduct of operations governed by this part, operate a helicopter into a heliport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that heliport is certificated under Part 139 of this chapter.

Issued in Washington, D.C., on August 12, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-18867 Filed 8-14-74; 8:45 am]

[Docket No. 13591, Amtd. 139-6]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Limited Certification of Airports and Heliports

The purpose of this amendment to Part 139 of the Federal Aviation Regulations is to provide for the certification and operation of land airports and heliports serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft.

This amendment is based on a Notice of Proposed Rule Making (Notice 74-15) issued in Washington, D.C., on March 27, 1974, and published in the *FEDERAL REGISTER* on April 1, 1974 (39 FR 11929). Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all comments received in response to that notice.

Amendment 139-1 was published in the *FEDERAL REGISTER* on April 20, 1973, and became effective May 21, 1973. The purpose of the Amendment was to: (1) Broaden the scope of the regulation to make it applicable to all airports serving

air carriers certificated by the Civil Aeronautics Board; (2) provide for the issuance of airport operating certificates to airport operators that would be required by that amendment to comply with Part 139; and (3) provide separately certain certification and operation rules for heliports that are required by the nature of those airports.

On July 4, 1973, Amendment 139-2 became effective and amended § 139.12 of the regulation by extending from July 5, 1973 to October 5, 1973, the time within which persons, who on May 20, 1973 were operating an airport or heliport serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft, might apply for an extension of their airport operating certificate, and to extend the time for filing the reports required of holders of these certificates.

Amendment 139-3, effective October 2, 1973, further extended the October 5, 1973, date to December 15, 1973.

Amendment 139-4, effective December 15, 1973, extended the December 15, 1973 date to April 2, 1974, in order to allow more time for an airport operator to apply for an extension of his provisional certificate and the deadline date for obtaining an airport operating certificate was extended from May 21, 1974 to October 15, 1974.

Section 139.12 of Part 139 provides for certification of airports and heliports which on May 20, 1973 served CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft. Airport operators who operate such airports and made application in accordance with § 139.12 have been issued "provisional" airport operating certificates. Under Amendment 139-4 these certificates were effective until October 15, 1974, after which date it was contemplated that certification of this group of airports would be accomplished in accordance with the certification and operating requirements generally applicable to air carrier airports serving scheduled operations under Part 139.

It now appears that compliance with the generally applicable certification and operating requirements is, in many cases, infeasible and impracticable, and that requiring full compliance with Part 139 in such cases would be contrary to the public interest.

A substantial group of airports now serve CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft. This group is estimated in size to number 345 airports. Unscheduled and small aircraft operation at many of these airports is irregular, occasional, infrequent, seasonal or temporary. Included in such operations are charter flights, supplemental air carrier flights, and flights of similar character to construction sites or recreation areas and the like.

The FAA considers that uniform application of the requirements of Part 139 is not feasible or practicable in many such cases and that provision should be

made for certification of these airports on an individual basis, based on an investigation of the operating circumstances and a subsequent finding made by the Administrator that the particular airport is properly and adequately equipped to conduct safe operations for the kind of air carrier operation to be conducted, and that compliance with certain other requirements of Part 139 would be contrary to the public interest. In the conduct of that investigation and in making that finding, the Administrator would review and evaluate airport characteristics, facilities, and equipment, including: landing area dimensions, strength and condition; clearances; marking and lighting; fire fighting and rescue capability; wind direction indicators; and airport safety surveillance capability. The proposal has been revised accordingly, as noted below, by setting forth an itemized listing of the operating factors which an applicant must include in his proposed operating specifications. This information, together with any investigation that the Administrator deems necessary, will permit him to determine the extent to which the airport is in compliance with the requirements of Part 139, and the extent to which compliance with the other requirements is not feasible and that it would be contrary to the public interest to require such compliance if the airport is otherwise properly and adequately equipped to conduct safe operations for the kind of air carrier operations to be conducted.

It is anticipated that in some cases it may be appropriate to issue the airport operating certificate to the air carrier. In those cases where the airport or landing area is unattended and the air carrier operates at that site under a lease or other permissive arrangement, and is effectively in control of the airport operations, issuance of the certificate and airport operations specifications to the air carrier will be considered.

In order to allow time for receipt and consideration of comments in response to the proposal contained in Notice 74-15, § 139.12 of Part 139 was amended (Amendment 139-5 issued and published concurrently with Notice 74-15) to extend from April 2, 1974 to August 15, 1974 the time within which provisional airport operating certificates could be extended, to extend the time for submitting a schedule of compliance showing how compliance with the requirements of Part 139 would be achieved, and to extend the termination date of those certificates to December 15, 1974.

A number of comments received in response to Notice 74-15 reasserted the argument made in opposition to Amendment 139-1 (when the applicability of Part 139 was broadened) that, in the enactment of section 612 of the Federal Aviation Act, the Congress did not intend that airports, other than airports regularly serving scheduled air carriers that hold certificates of public convenience and necessity issued by the CAB and operate large aircraft into those airports, be certificated. The FAA believes

that section 612 of the Federal Aviation Act applies to all airports that serve CAB-certificated air carriers, and that the rulemaking action was reasonable and necessary to comply with the Congressional mandate stated in the Act. In this connection, it should be noted that section 610(a)(8) makes it unlawful for any person to operate an airport serving air carriers certificated by the CAB without an airport operating certificate, or in violation of the terms of any such certificate.

Amendment 139-1 made Part 139 applicable, in addition to airports regularly serving scheduled air carriers operating large aircraft, to airports serving supplemental air carriers, certificated air carriers operating small aircraft (12,500 pounds or less maximum certificated takeoff weight), certificated air carrier charter operations, and certificated air carriers operating helicopters. However, it is not intended that Part 139 be applicable to airports at which air carrier training, ferry, check, or test operations are conducted, or to airports designated as "alternate" airports by air carriers, by reason of these operations. These airports are not by reason of these operations considered to be "serving" air carriers.

In general, and except as noted herein, the comment received in response to Notice 74-15 acknowledged the proposal as an acceptable procedure for certification of those airports to which it applies.

Recommendations for more specificity with respect to the content of the airport operations specifications were received. The amendment is responsive to those recommendations and that specificity is reflected in § 139.12a(c) by an itemized listing of operating factors to be covered in the operations specifications.

In addition, new § 139.12a specifies those sections of Part 139 (§§ 139.1, 139.3, 139.5, 139.7, 139.9, 139.15, 139.17) that are applicable to certificate holders and applicants under § 139.12a. Accordingly, except for those sections, no other requirements of Part 139 have application to applicants or certificate holders under § 139.12a.

Some question or objection was raised by the comments to the suggestion in the Notice that an airport operating certificate might be issued to an air carrier. It is anticipated that the incidence of such issuances would be rare. However, it appears that in some circumstances the air carrier may, in fact, be the "operator" and that the air carrier may be the appropriate certificate holder.

It should be pointed out, with respect to those objections raised in the comments that "provisional" and "limited" certification imposes undue economic burdens on airport operators, that the Airport Development Acceleration Act of 1973 (Pub. L. 91-258), which amends the Airport and Airway Development Act of 1970 (Pub. L. 91-258), provides that to the extent that a project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for

certification of an airport under section 612 of the Federal Aviation Act of 1958, the United States share in the allowable cost of such development, with respect to airport development project grant agreements entered into after May 10, 1971, may not exceed 82 percent. To the extent that Federal funds are available, it would appear that FAA participation in airport development would tend to minimize the economic impact of airport certification. In this connection, it appears that an air carrier would not be an eligible sponsor under the Airport and Airway Development Act of 1970.

Some apprehension was expressed in the comments that at the time of expiration of "provisional" certificates now in effect additional and burdensome requirements for certification might be imposed under "limited" airport certification. The FAA, as previously indicated, recognizes that with respect to the airports to which § 139.12a will apply, that certification and operating requirements should be determined on an individual basis, and that economic and practical considerations are essential to a public interest finding.

Holders of provisional airport operating certificates issued under § 139.12 would, under this amendment, have the option of retaining that certificate until the termination date of December 15, 1974 and complying with the reporting requirements of § 139.12, or surrendering that provisional certificate and obtaining a "limited" certificate under § 139.12a.

The FAA believes that this amendment will effectively provide for certification of airports serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft and comply with the Congressional mandate stated in section 612 of the Federal Aviation Act.

Since this amendment imposes no additional burden on any person and provides an alternative method for certification of airports serving limited operations conducted by CAB-certificated air carriers, I find that good cause exists under 5 U.S.C. 553(d)(3) for making this amendment effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430(a), and 1432), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 139 of the Federal Aviation Regulations is amended, effective August 15, 1974, as follows:

1. By amending § 139.3 to read as follows:

§ 139.3 Certification: general.

No person may operate a land airport serving any CAB-certificated air carrier operating aircraft into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of the applicable provisions of this part

or the approved airport operations manual or airport operations specifications for that airport.

2. By amending § 139.5 to read as follows:

§ 139.5 Inspection authority.

Each applicant for an airport operating certificate, and each certificate holder for, or operator of, a certificated airport shall allow the Administrator to make any inspection or test to determine its compliance with the Federal Aviation Act of 1958, the Federal Aviation Regulations, the certificate, the approved airport operations manual or airport operations specifications, and the eligibility of the certificate holder to continue to hold its certificate.

3. By amending paragraph (a) of § 139.9 to read as follows:

§ 139.9 Amendment of airport operations manual or airport operations specifications.

(a) The Administrator may amend any airport operations manual approved under this part or any airport operations specifications issued under this part—

(1) Upon application by the certificate holder, if the Administrator determines that safety in air transportation and the public interest allow the amendment; or

(2) If the Administrator determines that safety in air transportation and the public interest require the amendment.

4. By amending paragraphs (b) and (c) of § 139.9 by inserting the words "or specifications" immediately following the words "airport operations manual."

5. By amending § 139.12 to read as follows:

§ 139.12 Provisional airport operating certificates.

(a) A provisional airport operating certificate issued under this § 139.12 in effect prior to August 15, 1974 shall be effective until December 15, 1974, unless sooner surrendered, suspended, revoked, or otherwise terminated for violation of the terms of the certificate.

(b) The holder of a provisional certificate shall—

(1) Maintain at least the level of safety at the airport on May 21, 1973;

(2) Submit to the appropriate Regional Director before October 15, 1974, a schedule for compliance showing how compliance with each requirement of this part will be achieved, together with any request for exemptions from any of those requirements in accordance with Part 11 of this chapter or § 139.19; and

(3) Submit a status report to the appropriate Regional Director before November 15, 1974, showing to what extent compliance has been achieved.

6. By adding a new § 139.12a immediately following § 139.12 to read as follows:

§ 139.12a Issue of limited certificates for airports serving only unscheduled operations, or operations with small aircraft.

(a) Notwithstanding any other provi-

sion of this part, except as provided in paragraph (e) of this section, an applicant for an airport operating certificate who operates an airport or heliport which serves or is expected to serve CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft is entitled to a limited airport operating certificate if—

(1) It makes application, on the form and in the manner prescribed by the Administrator, to the appropriate Regional Director for an airport operating certificate, together with proposed airport operations specifications; and

(2) The Administrator, after investigation, finds that it would be contrary to the public interest to require compliance with all applicable requirements of this part, and that the airport is otherwise properly and adequately equipped to conduct a safe operation for the kind of air carrier operation proposed.

(b) An airport operating certificate issued under this section shall—

(1) Contain a provision that at least the level of safety at the airport at the time of certification will be maintained, and such other terms, conditions or limitations as the Administrator may find necessary; and

(2) Be effective until surrendered, suspended, revoked, or otherwise terminated for violation of the terms of the certificate.

(c) Airport operations specifications issued under this section contain the following:

(1) The name and address of the airport;

(2) The name and address of the owner and operator of the airport;

(3) The type and frequency of air carrier operations the airport serves or is expected to serve;

(4) Landing area or runway dimensions to be maintained at the airport;

(5) Strength and condition of air operations areas to be maintained at the airport;

(6) Marking and lighting of air operations areas and obstructions to be maintained at the airport;

(7) Fire fighting and rescue equipment and service to be provided;

(8) Means for wind direction determination to be provided;

(9) Means for safety inspection of the airport;

(10) Any other item that the Administrator determines is necessary to cover a particular situation.

(d) Airport operations specifications issued under this section are not a part of an airport operating certificate.

(e) The provisions of §§ 139.1, 139.3, 139.5, 139.7, 139.9, 139.15, and 139.17 are applicable to applicants and certificate holders under this section.

Issued in Washington, D.C., on August 12, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-18866 Filed 8-14-74; 8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-868, Amdt. 27]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Reasonable Level of Compensation

Correction

In FR Doc. 74-17773 appearing at page 28147 in the issue of Monday, August 5, 1974, make the following change: Add an introductory paragraph as follows:

"Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 31, 1974."

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-78, Amdt. 6]

PART 372a—TRAVEL GROUP CHARTERS

Modification of Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 12, 1974.

By notice of proposed rulemaking SPDR-35,¹ the Board invited comment on a proposal to amend Part 372a of its Special Regulations (14 CFR Part 372a), which sets forth the Travel Group Charters (TGC) rule, by revising various of its restrictions, so as to "enhance the attractiveness of this type of charter while preserving the legally required distinction between charter service and individually ticketed service."²

Specifically, we proposed to: (1) Reduce the deadline for filing the list of original participants from 90 to 60 days prior to the scheduled departure date; (2) allow a TGC to be filed when at least 90 percent, rather than the entire 100 percent, of the contracted seats have been sold to participants; (3) eliminate the standby list for eligible assignees of TGC participants and, instead, permit the interests of original participants to be assignable to the general public; and (4) reduce the maximum number of permissible assignments from 20 percent to 15 percent of the number of listed original participants.

Pursuant to the Notice, 23 comments were filed by: Senator Cannon;³ the Department of Transportation (DOT); jointly by most trunkline carriers (Certain Trunkline Carriers)⁴ and two separate supplemental comments by Pan American World Airways, Inc. (Pan Am) and Trans World Airlines, Inc. (TWA); United Air Lines, Inc. (UAL); the National Air Carrier Association (NACA),

on behalf of certain supplemental carrier members;⁵ Modern Air Transport, Inc. (Modern); the European Civil Aviation Conference (ECAC); separate comments by various foreign air carriers;⁶ three separate comments by TGC organizers;⁷ the Airline Charter Tour Operators Association (ACTOA); and the American Society of Travel Agents, Inc. (ASTA).

The positions taken in the filed comments, with respect to the proposed rule, ranged from unqualified support⁸ to unqualified opposition.⁹ There were also suggestions that the Board should not only adopt the revisions proposed in SPDR-35 but should go considerably further toward liberalizing the TGC rule.¹⁰ There was also some opposition directed exclusively at the proposal to permit an original participant's interest in the TGC to be assignable to the general public at any time prior to flight departure.¹¹

Upon consideration, the Board has determined to adopt the proposed rule, without modification, and the tentative findings and conclusions set forth in SPDR-35 are incorporated herein and made final.

In addition to making final the proposed revisions of the basic TGC rule, which were set forth in SPDR-35, we are also revising the special rules governing foreign-originated TGC's,¹² which we adopted simultaneously with SPDR-35, so that the minimum requirements prescribed in those special rules for foreign-originated TGC's will conform to the revised requirements which we are herein prescribing for the basic TGC rule.¹³

Finally, also as announced in SPDR-35,¹⁴ we are revising the "truth-in-chart-

ering statement" in Appendix A to Part 372a, so as to reflect the within revisions of the TGC structure.

We turn first to a discussion of our reasons for adopting each of the revisions proposed in SPDR-35 and for rejecting the various requests for their modification. Following that discussion, we shall explain why we have determined not to include in this final rule any of the requests for amendments to the TGC which would be in addition to those proposed in this proceeding.

A. Adoption of proposed revisions. (1) The proposal to reduce the filing deadline from 90 days to 60 days in advance of the scheduled flight date was specifically criticized only by comment of Certain Trunkline Carriers and by the supplemental comment of TWA, which noted that a 90-day deadline has not prevented the Demand Scheduling fares, offered by several route carriers, from becoming a recognized success. On the other hand, NACA, Modern, ACTOA, and Holidair suggest that the deadline be reduced to 45 days.

We shall adhere to our proposal to reduce the deadline to 60 days. As we said in SPDR-35 (mimeo, p. 3) any attempt to fix a suitable deadline is necessarily subject to some degree of imprecision. Nonetheless, we believe that a 60-day deadline is more reasonable than either retaining one for 90 days or accepting one for 45 days.

Insofar as we are urged to regard the 90-day deadline of Demand Scheduling fares as evidence that consumers are indeed willing to make travel plans that far in advance, it should be remembered that the filing deadline which we prescribe in the TGC rule is a legal minimum. From a practical statement, the TGC participant is still likely to be required by the charter organizer to become contractually bound and pay the minimum 25 percent deposit much earlier than 60 days before flight departure, so that the charter organizer may reasonably hope to meet the legal filing deadline. Moreover, the Demand Scheduling service offered on scheduled flight is less restrictive, and thus more attractive, than TGC's in a number of other respects.

On the other hand, we believe that a 45-day deadline would not be desirable. First, for reasons hereinafter discussed, we are not adopting additional TGC liberalization. Moreover, it must be remembered that the rule prescribes a 45-day deadline for computing the "tentative adjusted pro rata price." We do not believe—nor has anyone suggested—that the deadline for making this vital computation should be shortened. Thus, to provide a 45-day deadline for the initial TGC filing (when only the 25 percent deposits of participants need be paid) would render it impossible for the organizer to meet the 45-day deadline for computing the "tentative adjusted pro rata price."

(2) Only the comment of Certain Trunkline Carriers and the supplemental comment of TWA specifically opposed

¹ Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

² British Airways, Inc. (British Air), KLM Royal Dutch Airlines (KLM), Iberia Líneas Aéreas de España (Iberia), Lufthansa German Airlines (Lufthansa), Swissair Transport Company, Ltd. (Swissair), British Caledonian Airways (BCAL), Scandinavian Airlines System (SAS), Aerlínte Éireann Teoranta (Irish), and Sabena Belgian World Airlines (Sabena).

³ Holidair, Ltd. (Holidair), United Buying Service, Inc. (UBS), and Western Ski Vacations, Inc. (Western Ski).

⁴ UBS and Western Ski. The only qualification to DOT's support is its opposition to the proposed reduction of the maximum number of permitted assignments.

⁵ E.g., Pan Am, TWA, Certain Trunkline Carriers, and most of the commenting foreign route air carriers.

⁶ E.g., Senator Cannon, NACA, BCAL, ACTOA, and—alone among the U.S. trunkline carriers—UAL.

⁷ E.g., ECAC and British Air. The Board has also received from the Department of State a note submitted by the Government of France, dated May 6, 1974, expressing opposition solely to this aspect of the proposed rule.

⁸ SPR-74, adopted March 15, 1974; 39 F.R. 10866, March 22, 1974.

⁹ In SPDR-35 (mimeo), p. 5, note 5, we had announced our intention to so revise the special rules.

¹⁰ Id.

¹ March 15, 1974, 39 FR 10915, March 22, 1974.

² SPDR-35 (mimeo), p. 3.

³ Chairman of the Aviation Subcommittee of the Senate Committee on Commerce.

⁴ American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

the proposal to permit a TGC to be filed when at least 90 percent of the contracted seats have been sold to participants, instead of the present requirement that 100 percent of the seats must have been sold. We do not find persuasive the conclusory contention of Certain Trunkline Carriers that this proposal will somehow create enforcement problems.¹⁵ Insofar as TWA points out that this will result in reducing the minimum TGC group size from 40 to 36, we concede that fact, but do not appreciate its significance, since our split-charter rules require only that a minimum of 40 seats be contracted for—whether occupied or not—and that requirement will of course continue to apply to TGC's.

We are also making final that aspect of the proposal which would provide that if less than 100 percent of the contracted seats have been sold by the time the TGC is filed, then no additional seats may thereafter be sold. We thus reject NACA's request that, in addition to permitting the TGC to be filed upon the sale of 90 percent of the seats contracted for, we should also permit the remaining seats to be sold. As we stated in SPDR-35,¹⁶ we believe that the filing of a TGC should signify the closing of the chartering group and seats which are unsold at the time of filing should not be sold subsequently to members of the public.

We distinguish the determination from our finding that an individual participant's interest should be assignable to a member of the public. Under our concept, the TGC group is completely formed at the time the contract is filed, and it is then that the mutual rights and obligations become fixed, subject to the limited right to effect a simple substitution of parties to the charter contract, in order to avoid forfeiture of substantial advance payments. While we are willing to permit assignments of seats by individual TGC participants, we are not prepared to permit TGC seats to be sold by or through the organizer to individual members of the public, in the interest of preserving the distinction between scheduled and charter services.

(3) As expected, the most controversial aspect of SPDR-35 proved to be our proposal to grant a limited right of assignment by original participants of their interests in a TGC to members of the general public, at any time prior to flight departure, and to remove the present restriction which limits assignments only to those persons named in a

pre-filed list of "standbys." However, none of the filed comments has dissuaded us from making this proposal final. We continue to believe, as we tentatively concluded in SPDR-35, that since TGC participants must be allowed some opportunity to be relieved from total forfeiture of their charter payments by the availability of a limited right of assignment, and since standby lists have not effectively served this purpose, limited assignments to the general public should be tried.¹⁷ We also adhere to our tentative view that this "revision of the limited right of assignment would [not] alter the legal status of a TGC, as upheld by the Court in *Saturn Airways v. C.A.B.*, 483 F.2d 1284 (D.C. Cir. 1973)."¹⁸

Except for the general argument that legal questions may inevitably arise from any relaxation of the exact set of TGC restrictions which were judicially considered in *"Saturn"*, the comments do not persuasively suggest any special legal infirmity created by this particular aspect of SPDR-35. Instead, the strong opposition to this particular proposal¹⁹ is based on various policy arguments.

Thus, for example, British Air argues that we incorrectly characterized as "limited" a right of assignment which is really unlimited and that individuals having no bona fide intent to travel will sign up for a TGC as speculators hoping to profit from their eventual assignments to members of the general public. By the same token, British Air and other critics of this proposal conjure up visions of up to 15 percent of a TGC's participants scurrying around the air terminal, immediately prior to the flight's scheduled departure, and making last-minute sales of their TGC seats to scheduled service passengers—who thereupon become "no-shows" on reserved scheduled seats and so further aggravate the injury to scheduled services.

We believe that this awesome spectre is quite fanciful and, in part, attributable to a misapprehension of the right of assignment which our amended rule contemplates. It must be emphasized that we have not proposed, and we do not now adopt, an unlimited right of assignment which would stimulate speculators to participate in TGC's. Quite aside from the maximum of the total number of as-

signments in any TGC flight, our amended rules also retain the specific requirement that assignments be effected only through the organizer²⁰ and the specific restriction that the price paid by the assignee "shall not exceed" the total amount of contract installments "theretofore paid by the assignor."²¹

Moreover, the hypothetical TGC participant who plans to lure an assignee from among persons about to board a scheduled flight must hope not only that the maximum number of assignments permitted for his TGC flight would not by then have been exceeded and that somehow he could unlawfully make a profit on his assignment; he must also hope to find, among those boarding scheduled passengers, one whose return-trip plans are fully compatible with the TGC flight, which is round-trip and includes fixed departure and return dates.

Finally, we reject the argument²² that the revised assignment provision invalidates the rule because the "Johnny-come-latelies" who become assignees incur none of the risks which are supposed to characterize participation in a TGC. It is of course true that a person who becomes an assignee within a few days of departure may incur none of the normal TGC risks, i.e., by the time he becomes a TGC participant the "adjusted pro rata price" has been determined and it is by then also known that there have not occurred the various contingencies which could cause a TGC flight to be canceled. Still the argument fails.

For one thing, this "no-risk" possibility for assignees does not result from the revisions herein adopted, since the same situation could arise under the existing rule, which permits no risks or obligations to be imposed on those persons named in a "standby" list. Since the possibility that a person may consent to become an assignee only at such time as the TGC is no longer subject to price changes or cancellations exists under the present rule, which has been judicially sustained, we do not regard this argument as raising any novel point as to the validity of the revised rule.

Moreover, of course, it is not necessarily true that an assignee will incur none of the normal TGC risks, since not all assignees will be "Johnny-come-latelies." Under the revised rule, as under the present rule, a person who becomes a TGC participant by virtue of assignment assumes all the rights and obligations of his assignor as of the time of assignment. Thus, for example, one who becomes an assignee before the adjusted price has been computed, shares the same risks and obligations as original participants.

In deciding to adopt this proposal, without modification, we have also determined to reject Pan Am's suggestion

¹⁵ Insofar as the main thrust of Certain Trunkline Carrier's comment appears to be that the proposed amendments, collectively and individually, will result in increased diversion of scheduled traffic, the short answer is that we of course recognize that a marketable TGC may well result in some diversion of scheduled traffic, but, in fashioning a TGC rule, we intended to create a type of charter which would be viable, even if it resulted in some diversion. The purpose of these amendments is to achieve that viability, without causing undue diversion, as discussed hereinafter.

¹⁶ (Mimeo), p. 5.

¹⁷ British Air suggests that TGC forfeitures could be adequately safeguarded by appropriate insurance policies. We are not aware of any insurance policy which could serve as an adequate substitute for a viable assignment provision. Such policies do not offer protection against forfeitures resulting from contingencies other than death or serious illness of a particular passenger. Thus, for example, if a husband and wife were TGC participants, the death or illness of either would obviously abort the travel plans of the other; yet, the insurance policy would safeguard only against loss of the cost of one seat.

¹⁸ SPDR-35 (mimeo), p. 5.

¹⁹ As indicated earlier in footnote 11, some of the comments objected solely to this proposal.

²⁰ Par. (c) of § 372a.13.

²¹ Par. (d) of § 372a.13.

²² The principal comment making this argument was TWA's supplemental comment.

that, if assignments to the public are to be permitted at all, then such assignments should in any event be barred within the 30 days preceding flight departure, a restriction which we have prescribed for foreign-originating TGC's. Actually, our action herein is fully consistent with our rule on substitution for foreign-originating TGC's. That rule permits no substitution within 30 days prior to departure, if the cost of the TGC is not prorated, but substitution at any time prior to departure is permitted for TGC's whose cost is prorated.²² And the same reasons which impelled us to make such distinction in adopting our special rules for foreign-originating TGC's²³ justify our rejection of a cut-off period for substitutions in the case of our pro rata TGC. We wish to emphasize that we have not taken this action lightly, inasmuch as it has incurred the strong opposition of ECAC, the Government of France, and other parties whose views we appreciate. Nevertheless, we believe that this opposition neglects to take account of the fundamental difference between the "advance booking charter" concept as implemented by the Board and by the ECAC countries.

By amending our TGC rule, as it applies to foreign-originating charters,²⁴ we have demonstrated our willingness to acknowledge the validity of foreign ABC rules which embody the concomitant characteristics of an entrepreneur charterer and fixed prices to individual participants. Nonetheless, we have chosen to conduct the TGC experiment for U.S.-originating charters under a regulatory regime constructed on the basic premise that a group of individuals undertakes a joint obligation to charter an aircraft, accepting limited mutual risks of pro rata price fluctuations. So long as it is the charter participants themselves, as distinguished from an entrepreneur, who must bear the burden of each other's defaults, we think it necessary to insist that each individual must be prepared to risk total loss of his payments if, at some advanced point in the transaction, he finds it necessary for any reason to cancel his travel plans. It is for this reason that our TGC rule is unique in requiring that a canceling participant's total payment be forfeited once the "adjusted pro rata price" has been fixed, whatever the reason for such cancellations.²⁵ Yet by the same token, we believe it is also necessary to provide some possibility of avoiding the harsh impact of mandatory total forfeiture, through the limited availability of the right of

assignment. Consequently, we have consistently maintained that under a TGC/ABC rule, such as ours, which involves prorating of the charter price among participants, a limited right of assignment should be available at any time prior to departure.

(4) Only DOT specifically questioned our proposal to reduce the maximum number of assignments permissible for any given TGC flight from 20 percent to 15 percent of the number of names included in the filed list of original participants. DOT suggested that this maximum should be increased to 25 percent, instead of decreased to 15 percent, in order to further relax the cumulative restrictive effect of our TGC rule.

As we indicated in SPDR-35,²⁶ the slight tightening of this restriction on the maximum number of assignments is designed to provide some offset against the relaxation of the restriction on eligibility for assignments. For the reasons herein-after discussed, we are not inclined to adopt DOT's suggestions that we further liberalize the assignment provision by relaxing both these restrictions.

B. Requests for additional revisions.
(1) We have determined to reject the suggestion²⁷ that we amend the basic TGC rule, so as to entirely delete the pro rata pricing requirement, and to permit instead the kind of fixed-price sale of seats as we now permit for foreign-originating TGC/ABC's. Similarly, we are also rejecting the related suggestion²⁸ that we amend the basic TGC rule so as to permit the charter organizer to assume at least limited entrepreneurial risks by absorbing the cost of a number of unsold seats rather than to require cancellation of the TGC when the pro rata price would have to exceed the specified maximum.

As we stated above, in explaining why we are adhering to the view that last-minute assignments must be permitted under our rule, we prefer to build our experimental form of advance booking charter rule around the fundamental concept that a group of participants jointly charter all or part of an airplane for their own transportation, rather than to adopt the ECAC approach, which involves a risk-taking charterer reselling individual seats. We need not here decide that the pro rata regime is necessarily immutable. However, we are loath to embark on such a radical change in the TGC concept until the within revisions have been given a fair chance. Although, as acknowledged in our special rule for foreign-originating TGC/ABC's, we do not regard a prorata feature as essential to the legality of TGC's,²⁹ its presence in a rule authorizing group travel under a charter program which need not include service other than air transportation is a clearly desirable means to insure that the statutorily mandated distinction from individually ticketed service is being preserved.

(2) We are rejecting the suggestions in several of the comments that we should not only adopt all of the proposals set forth in SPDR-35, but should also adopt amendments which would further liberalize the TGC rule by relaxing additional restrictive provisions.³⁰

In the first place, all such amendments would be outside the scope of the proposal, and could thus not be incorporated into the final rules adopted herein.

Moreover, the proposed revisions which we set forth in SPDR-35 reflected our tentative view that those revisions would suffice to make the TGC a viable form of low-cost group air transportation, while retaining adequate restrictive features so as to prevent undue diversion from scheduled services. We did not then intend, nor do we now desire, to adopt every possible relaxation of the TGC rule which could enhance its marketability. We are mindful of our concurrent obligation to prevent this charter mode from causing undue diversion of scheduled traffic, particularly at a time when various serious problems confront scheduled carriers. Recognition of our dual responsibility in this subtle area has traditionally led us to favor a gradual, step-by-step approach in fashioning suitable charter rules. Consistent with that approach, we shall at this time relax only those restrictions which we believe have rendered TGC's virtually unmarketable.

(3) We have determined to reject ASTA's request that we amend the TGC rule in various respects relating to the relationship between the charter organizer and travel agents involved in the marketing of TGC's. Specifically, ASTA's comment includes requests to amend the TGC rule to require that an organizer pay "adequate commissions" to agents, and to prescribe the ratio in which participants' forfeited deposits are to be divided between the agent and organizer. Quite apart from the question of our legal power to do so, we are not persuaded that there is any real need for such amendments, and, in the absence of any demonstrated need, we do not choose to impose mandatory requirements on business arrangements which are largely peripheral to the workings of the TGC rule.³¹

²² E.g., suggestions to reduce the minimum-stay requirements for domestic or international flights, or both, were made by Senator Cannon (reiterating another suggestion made in S. Rept. 93-387, cited in footnote 28, supra), NACA, ACTOA, Modern, Holidayair, and UAL; and the further suggestions by UAL to raise the permissible "maximum" pro rata price from 120 percent to 125 percent of the "minimum," and to reduce from 60 days to 45 days the deadline for requiring full payment of the participants' minimum price.

²³ We are also rejecting UAL's request that the TGC rule be amended to explicitly permit the organizer to pay commissions to travel agents. Whatever the situation may have been immediately after the TGC rule was introduced, we are not aware of any misunderstanding today as to the organizer's undoubted right to pay commissions to his agents. Insofar as the proposed text of UAL's suggestion would require such commissions to be paid, there is no demonstrated need for such amendment.

²⁴ Subparagraph (6) of § 372a.60(b). These provisions will now be found in subparagraphs (4) and (5) § 372a.60(b), as a result of the technical and substantive modifications which we are adopting herein to the special rules governing foreign-originating TGC's, in order to reflect our revisions of the basic TGC rule. See p. 4, supra, and footnote 13.

²⁵ SPR-74, cited in footnote 12.

²⁶ Id.

²⁷ Where the TGC/ABC charterer is an entrepreneur, and individual prices are fixed, refunds may be permitted for cancellation at any time.

²⁸ (Mimeo), p. 6.

²⁹ By Senator Cannon (reiterating one of the suggestions of the Senate Committee on Commerce, in S. Rept. 93-387, 92d Cong. 1st Sess., pp. 8-10); NACA; and ACTOA.

³⁰ By Holidayair and BCAL.

³¹ SPR-74 (mimeo), p. 12.

(4) Finally, without passing on their acceptability, we are unable to include in the final rules adopted herein the standard forms which UAL has submitted in its filed comment, for prescribed use by TGC organizers and direct carriers. We do not question the desirability of achieving complete—or at least substantial—standardization in the various forms of TGC documents, especially the TGC option, charter contract and contract between organizer and participants. Indeed, in originally proposing the TGC rule, we specifically requested submission of suggested draft standard forms,³³ but, because none were submitted, we were unable to include standard forms in the final rule.³⁴ Similarly, we are unable to adopt at this time the standard forms submitted by UAL, since they are not so clearly uncontroversial as to justify our adopting them without consideration of pertinent views of interested parties.³⁵

C. Effective date. We have determined to make this rule effective immediately, since it imposes no burden on anyone but serves, rather, to relieve a restriction, in that the general effect of the within amendments will be to relax the requirements which have hitherto circumscribed the exercise of the charter authority created by the Travel Group Charter rule.

It should be noted that the within amendments are prospective only, i.e., they apply only to TGC's which are to be marketed subsequent to the effective date hereof. TGC's which are currently being marketed will continue to be governed by the rules in effect immediately prior to these amendments, and no TGC's currently on file with the Board may be amended so as to reflect these amendments. We cannot permit substantial terms and conditions of existing TGC contracts to be amended, without the express consent of each TGC participant who has already become a party to such contract, unless it were unquestionable that such amendment could not possibly adversely alter his contract rights. Yet, although the cumulative effect of the within amendments should inure to the ultimate benefit of future TGC participants, we are not prepared to hold that none of these amendments could conceivably be objectionable to persons who have already become parties to TGC contracts.³⁶ Consequently, in the absence of

procedures enabling us to be satisfied that TGC participants have unanimously and expressly agreed to be bound by contractual amendments which the organizer purports to execute on their behalf, we shall not permit the within amendments to have retroactive application.

Of course, if a TGC being marketed at the date hereof is lawfully subject to cancellation by the organizer in accordance with the terms and conditions of the existing contracts and without financial loss to participants, then the organizer may choose to effect such cancellation and market a new TGC in compliance with the within amendments.

In consideration of the foregoing, the Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a) effective August 12, 1974, as follows:

1. Amend § 372a.2, by deleting the definition of "standby list member"; substituting a definition of "original participant" for the definition of "main list participant"; and otherwise revising definitions which use such terms, the amended section to read in part as follows:

§ 372a.2 Definitions.

"Charter organizer" means * * *
"Charter participant" means a member of a travel group who is a party to a charter contract, either as an original participant or as an assignee of an original participant.

"Foreign charter organizer" means * * *
"Original participant" means a member of a travel group who has duly authorized a charter organizer to enter his name on the original participants list filed with the Board pursuant to this part.

"Service charge" means * * *
"Travel group" means the aggregate of original participants and assignees of original participants.

2. Amend paragraph (f) of § 372a.10, the amended paragraph (f) to read as follows:

§ 372a.10 Travel group charter general requirements.

(f) Passengers transported pursuant to the charter shall consist solely of charter participants (whose aggregate number may not exceed the number of names set forth in the filed original participants list), plus tour conductors authorized to accompany the charter participants in accordance with this part.

3. Amend § 372a.11 to read as follows:

become binding only when 100 percent of the seats were sold, might reasonably object to such amendment, because, *inter alia*, it increases the risk that the ultimate price will exceed the minimum pro rata price.

§ 372a.11 Initial deposits.

Each original participant, upon executing the contract between participants and organizer shall pay at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract (or of the aggregate of the minimum pro rata charter prices specified in the contract, if there is more than one direct air carrier). This initial 25 percent deposit shall be nonrefundable to a charter participant who defaults in making any payment on the pro rata charter price subsequent to the filing of the charter contract, except as provided in §§ 372a.15(g) and 372a.18.

4. Amend § 372a.12 by revising subparagraphs (1) and (2) of paragraph (a), and by revising paragraph (b), the amended section to read in part as follows:

§ 372a.12 Conditions precedent to contracts.

(a) * * *
(1) The number of original participants plus the number of tour conductors (which shall not exceed the maximum number permitted under this part) is equal to no less than 90 percent of the number of seats specified in the charter contract;
(2) Each original participant has paid at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract; and

(b) At any time prior to 90 days preceding the scheduled flight date, a participant may submit to the organizer written notice of his cancellation, regardless of cause, and he shall thereupon be entitled to receive forthwith a refund of all moneys credited to his account, without deduction or penalty of any kind.

5. Amend § 372a.13 to read in part as follows:

§ 372a.13 Assignments.

At any time during the 90-day period preceding * * *

(a) [Reserved].
(b) No more than 15 percent of the original participants may assign their interests.

(c) An assignment * * *

6. Amend paragraphs (c) and (d) of § 372a.14, the amended paragraphs (c) and (d) to read as follows:

§ 372a.14 Pro rata charter price; minimum, maximum, adjusted.

(c) The adjusted pro rata charter price shall reflect the pro rata increase resulting from the fact that the number of actual original participants is less than 100 percent of the maximum number of charter participants, or from defaults in payments by participants, refunds made to participants pursuant to

³³ EDR-218/SPDR-22A, dated December 30, 1971 (mimeo), pp. 17-18.

³⁴ SPR-61, dated September 27, 1972 (mimeo), p. 6.

³⁵ Of course, to the extent that UAL suggests that we should permit particular carriers and organizers to develop their own "standard" forms, we have no reason to doubt that, as a matter of practice, our staff will generally be able to process quickly and accept filings which include forms substantially identical to those previously accepted.

³⁶ For example, a TGC participant who would now find that only 90 percent of the chartered seats need be sold before the contract becomes binding, whereas he had become a party to a contract which was to

§ 372a.15(g), and, if the contract so provides, an increase in the total charter price to the extent permitted under § 372a.26.

(d) The cost of the charter flight shall be prorated equally among all charter participants and no charter participant shall be allowed free or reduced-rate transportation: *Provided, however, That, where land accommodations are included in the charter, tour conductors may be transported, if the number of such conductors is specified in the contract between the charter organizer and the participants, and is not more than one tour conductor for each 40 seats.*

7. Amend paragraph (a) of § 372a.15, the amended paragraph (a) to read as follows:

§ 372a.15 Full payment of charter price; refunds.

(a) No later than 60 days prior to the scheduled date of flight departure, there shall be due from each charter participant full payment of the minimum pro rata charter price, together with:

(1) Full payment of the pro rata share of any increase in the total charter price, to the maximum extent permissible under § 372a.26, as embodied in a tariff which has by that time become effective, or which has been duly filed with the Board bearing an effective date no later than 60 days prior to the scheduled date of flight departure; and

(2) Full payment of the pro rata share of that portion of the total charter price represented by the number of seats which remain unsold to original participants at the time the executed contract is to be filed under § 372a.22(b).

8. Amend § 372a.22 by revising subparagraph (1) of paragraph (a); and by revising paragraphs (b) and (d), the amended section to read in part as follows:

§ 372a.22 Operating authorization of charter organizer.

A charter organizer ***

(a) No charter organizer ***

(1) An option from the direct air carrier(s) under which the carrier(s) obligates itself for a specified period, which shall expire no later than 60 days prior to scheduled date of departure, to enter into a charter contract with the charter organizer as agent for the charter participants: *Provided, however, That if the air transportation on the departing flight and the returning flight is to be performed by more than one direct air carrier, then there shall be a single option granted to the charter organizer by all such direct air carriers, acting jointly and severally;*

(b) No earlier than 90 days, but no later than 60 days, prior to the scheduled date of departure, the charter organizer and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, the following information, and the information required

by subparagraph (2) of this paragraph shall be filed in the manner prescribed in paragraph (d) of this section.

(1) A charter contract executed by original participants whose number is equal to at least 90 percent of the seats specified in the contract for charter participants;

(2) A list setting forth the names of original participants in alphabetical order, their addresses and telephone numbers;

(3) [Reserved].

(4) A statement of the charter organizer affirming that each listed original participant (i) has entered into a contract with the organizer as provided in this part, (ii) has paid his initial 25 percent deposit, and (iii) has been furnished, no later than the time when he entered into such contract with the organizer, with an explanatory statement, in the form set forth in Appendix A; and

(5) A statement of the depository bank, if any, affirming the amount which it has on deposit, which amount shall be equal to no less than 25 percent of the minimum pro rata charter price multiplied by the number of listed original participants.

(c) ***

(d) CAB Form 372a, attached hereto as Appendix D, shall be used in filing the travel group charter original participants list described in paragraph (b) (2) of this section. An original and two photostatic or similarly reproduced copies (not carbons) of Form 372a, prepared in conformance with the instructions thereon, and accompanied by a self-addressed and postage-prepaid return envelope, shall be filed with the Board (Supplementary Services Division, Bureau of Operating Rights). The Board will stamp the original and two photostatic or similarly reproduced copies of Form 372a so as to verify their receipt and identify the travel group charter to which they pertain, and will return the two stamped copies for use by the direct air carrier in complying with its obligations to identify enplaning charter flight participants, note the documentary source and number, and file post-flight reports thereon, as required by §§ 372a.41 and 372a.50(a).

9. Amend paragraph (b) of § 372a.41, the amended paragraph (b) to read as follows:

§ 372a.41 Direct air carriers to identify enplanements.

(b) The direct air carrier shall, at the time of enplanement, enter, on its stamped copy of CAB Form 372a, the documentary source of the identification required by paragraph (a) above, including the number appearing on the document, together with the names of any enplaning passenger whose name does not already appear on said CAB Form 372a: *Provided, however, That the total number of names on the passenger list shall not be greater than the number of names which already appeared on said*

CAB Form 372a (and tour conductors), and that the number of passengers (other than tour conductors) whose names are newly entered by the carrier upon enplanement shall not be greater than 15 percent of those whose names had already appeared on said form.

10. Amend paragraph (a) of § 372a.50, the amended paragraph (a) to read as follows:

§ 372a.50 Reporting requirements.

(a) Each direct air carrier shall file with the Board's Bureau of Enforcement within 7 days after performing each flight, whether departure or return, its stamped copy of CAB Form 372a prepared in conformance with the instructions thereon.

11. Amend paragraph (b) of § 372a.60, the amended paragraph (b) to read as follows:

§ 372a.60 Foreign-originating travel group charters.

(1) The participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip.

(2) Each TGC/ABC contract must cover at least forty (40) seats.

(3) The list of actual participants (i.e., persons contractually bound to pay for a specifically identified flight) in each TGC/ABC group must be filed with appropriate regulatory authorities at least sixty (60) days in advance of flight departures.

(4) If the cost to individual TGC/ABC participants is not prorated, and if there is to be a list of "standbys" (i.e., eligible substitutes for participants) for a TGC/ABC, then—

(i) The number of standbys shall not be greater than the number of seats contracted for;

(ii) No person shall be added to the standby list within sixty (60) days prior to flight departure;

(iii) No standbys may be substituted for participants within thirty (30) days prior to flight departure; and

(iv) No more than fifteen percent of the persons named on the filed list of actual participants may assign their interests in the TGC/ABC to persons whose names are on the standby list relating to such flight.

(5) If the cost to individual TGC/ABC participants is prorated among participants, then a participant may be permitted to avoid forfeiture of his advance payments by assigning his interests in the TGC/ABC to members of the general public, at any time prior to departure, but only if—

(i) No more than fifteen percent of the persons named on the filed list of actual participants have made such assignments;

(ii) The assignment is effected through the charter organizer; and

(iii) The amount paid by the assignee does not exceed the aggregate amount

of advance payments which had been made by the assignor as of the time the assignment is effected.

(6) A TGC/ABC must be "round trip" (i.e., including both a departure and return flight).

(7) If the cost of the TGC/ABC is prorated among participants, then a TGC/ABC must be for a minimum duration of at least seven days in the case of North American charters, and a minimum duration of at least ten days in the case of all other charters; but if the cost of individual TGC/ABC participants is not prorated, then during the period of April 1 to October 31, the TGC/ABC must provide for a minimum duration of at least fourteen days, and during the period of November 1 to March 31, the minimum duration must be at least ten days: *Provided, however*, That the minimum duration of a non-prorated North American TGC/ABC need not be greater than seven days.

(8) If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted, but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

12. Amend Appendix A, "Description of Travel Group Charters," the amended Appendix A to read as follows:

APPENDIX A—DESCRIPTION OF TRAVEL GROUP CHARTERS (REVISED, AS OF AUGUST 12, 1974)

Under Federal law, charter flights are permitted to be operated in air transportation within, and to or from, the United States. However, the terms and conditions governing participation in charter flights must distinguish this form of travel arrangement from the purchase by an individual passenger of an airline ticket for a regularly scheduled flight. The Civil Aeronautics Board (the Board) is the Federal agency which has the responsibility for prescribing these terms and conditions, and, over the years, several different types of charters have been authorized. Effective September 27, 1972, the Board adopted regulations authorizing a new type of charter, called "Travel Group Charters" (TGC), to be operated on a trial basis, until December 31, 1975. The pertinent regulations are set forth in Part 372a of the Board's Special Regulations (14 CFR Part 372a). Following is a summary of the principal provisions in those regulations as they directly affect participants in a TGC. (Since this statement is designed primarily for the guidance of American travelers, for flights within or from the United States, it does not attempt to describe the special rules provided by the Board in Subpart F of Part 372a for flights from foreign countries performed under the rules which those countries prescribe for this type of charter.)

General description of TGC. The basic idea of a TGC is that 36 or more persons may enter into a charter contract, by which they hire an aircraft (or part of an aircraft consisting of at least 40 seats) to provide themselves with round-trip air transportation for a trip which is to last a minimum of 7 days (10 days in some areas) on a pro rata basis, i.e., each charter participant shares equally in the cost of the charter. The charter contract must be filed with the Board no later

than 60 days before the scheduled date of departure.¹ At that time, the charter organizer must also file an "original participants list" identifying the people who have signed his contract and paid him an initial deposit of at least 25 percent of the "minimum pro rata charter price" (discussed below) specified in the contract. The number of persons on this filed list must be equal to at least 90 percent of the number of seats which the contract specifies will be occupied by "charter participants."² When the flight is performed, the number of charter participants can be no greater than the number of names on the filed list and the number of participants not included in that list cannot be greater than 15 percent of the number of names on the list.

Pro rata charter price. The "minimum pro rata charter price," which must be set forth in the contract, is an amount equal to the total charter cost for all seats covered by the contract, divided by the maximum number of charter participants, plus the charter organizer's "service charge" (discussed below).

Example 1. A charter contract covers 123 seats (of which 3 seats are for four conductors). The total contract price is \$12,000, and the organizer is to be paid a \$10 "service charge" by each passenger other than a tour conductor. The "minimum pro rata charter price" is \$110 (\$12,000 divided by 120, plus \$10 for the service charge).

If all the seats intended for participants are sold,³ fully paid for, and no refunds are made, then the minimum pro rata charter price will be the actual price which each charter participant will pay, unless the total charter price is increased by application of a new tariff. However, if not all the seats intended for participants are sold, or the total charter price is increased, or if a participant defaults (or refund is made because of the death or illness of a participant), then the pro rata price of each participant must be increased accordingly. In order to limit the liability of the remaining participants for an increase in the pro rata charter price, the Board has provided for a "maximum pro rata charter price," which is 20 percent more than the minimum. The minimum pro rata charter price, together with the pro rata share of any unsold seats intended for sale to participants and of any lawful increase of the total charter price, must be paid in full by each charter participant no later than the 60th day before the scheduled date of flight departure. The charter organizer must determine, no later than 45 days before the scheduled departure date, whether pro rata shares

¹ The charter contract and other documents are to be filed no earlier than 90 days, and no later than 60 days, before the scheduled date of departure. Thus, for example, if a TGC is scheduled to depart on October 30, 1974, this filing may be made no earlier than August 1, 1974 and no later than September 3, 1974. (Since the 60th day prior to the scheduled departure is August 31, 1974, a Saturday, the filing deadline is extended to the next business day, September 3rd, which is only 57 days prior to departure.)

² The only other authorized passengers on the charter flight are tour conductors, whose seats are paid for by the charter participants, but these conductors may be carried only when ground arrangements are required as part of the TGC package. The number of tour conductors must be specified in the contract and may not exceed one for each 40 seats.

³ If less than 90 percent of the seats intended for participants are sold prior to the deadline for filing the contract, then the charter must be canceled and all moneys refunded.

of the unsold seats and of the lawfully increased charter price, defaults and refunds would result in increasing each remaining participant's share beyond the "maximum." If they would, then the charter must be canceled; otherwise each remaining participant must pay the increased "adjusted pro rata price."⁴

Example 2. The minimum price is \$110 (computed as shown in example 1). The maximum to which each remaining participant's price may be increased is \$132.

Cancellations and refunds. A. Each participant is entitled to a full refund of all payments if a TGC is canceled for any of the following reasons:

1. The predeparture deadline for filing documents with the Board is not met.

2. The charter organizer's authority is suspended by the Board.

3. The charter organizer's surety bond is canceled and there is no replacement made which is satisfactory to the Board.

4. An air carrier cancels the charter pursuant to the terms of the charter contract.

5. The TGC is for less than the entire capacity of an aircraft and the remaining capacity of the aircraft is not chartered to one or more persons eligible under the Board's rules.

B. If a TGC is canceled because, as a result of unsold seats, a lawful increase of the total charter price, defaults or refunds, the adjusted pro rata price would have to be increased beyond the maximum, then each participant not in default is entitled to a full refund. Those participants whose defaults necessitated the cancellation are entitled to have refunded only payments in excess of their initial 25 percent deposit; but the 25 percent deposit itself may be retained as liquidated damages for the organizer and/or the air carrier. (Death or illness of a participant before the adjusted pro rata price is computed does not constitute a default and, in such cases, full refund is to be made.)

C. Until 90 days prior to the scheduled flight departure date (or until such later date as may be specified in the contract with the organizer for the filing of the final contracts), any participant may give written notice to the organizer that he wishes to withdraw from the group, regardless of his reasons, and he is then entitled to a full refund of all payments.

Example 3. On July 6, 1974, John Jones signs a contract with an organizer and pays a 25 percent deposit for a TGC scheduled to depart from New York to London on October 18, 1974. The 90th day prior to flight departure is July 20, 1974 (which is a Saturday). Until the next regular business day, July 22, 1974, Mr. Jones is entitled to give the organizer written notice of his decision to withdraw, without cause or explanation, and to receive a full refund.

Assignments. Although a participant's initial 25 percent deposit is nonrefundable (except for death or illness) after a TGC contract has been filed, his interest in the TGC may be assigned at any time to any other person, but no more than an aggregate of 15 percent of the original participants may assign their interests, and no profit may be made by the assignor. To assure that these conditions are complied with, assignments may be made only through the organizer. For performing this function, the organizer may charge a transfer fee in an amount specified in his contract, but not to exceed

⁴ Once this "adjusted pro rata price" is computed, there can be no further increase in the pro rata price. However, there may be a subsequent decrease in price, as a result of late payments by delinquent participants or as a result of assignments.

5 percent of the "minimum pro rata charter price."

Service charge. In arranging air transportation for a TGC, the organizer acts as agent of the participants and not for any direct air carrier. He is therefore not permitted to receive any commission, fee or other compensation from any direct air carrier. As agent for the participants, he is permitted to receive from them a service charge (in addition to any transfer fees he may earn for arranging assignments). The Board does not set any maximum or minimum amount for a service charge. However, the amount of the service charge must be clearly set forth, as a separate item, in the organizer's solicitation material and in his contract, and the service charge must be equal to all participants.

(Secs. 204, 401, 402, 407, 416, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 757, 766, 771, and 788; (49 U.S.C. 1324, 1371, 1372, 1377, 1386, 1481))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-18811 Filed 8-14-74; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART I—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Miscellaneous Amendments

Correction

In FR Doc. 74-18299 appearing at page 28619 in the issue of Friday, August 9, 1974, the eighth line in the first column reading "ager of the association. No person" should appear as set forth below:

§ 1.7 Registration required of futures commission merchants.

No person"

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER, (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-233]

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart H—Enforcement Remedies

MULTIFAMILY PREVIOUS PARTICIPATION REVIEW AND CLEARANCE

On August 20, 1973, the Department of Housing and Urban Development's proposed regulations relating to Previous Participation Review and Clearance procedures were published in the FEDERAL REGISTER. Interested persons were af-

* Minetti and West, members, concurring and dissenting and filing statement as part of original document.

forded an opportunity to submit comments thereon. The Department received seven responses to the proposed regulations, all of which were seriously considered. Three changes have been incorporated in the regulations as a result. They are as follows:

1. In § 200.212, the requirement for approval of and disclosure by limited partners is amended to include limited partners having a 25 percent or more interest in the organization rather than the proposed ten percent interest;

2. In § 200.213, the withholding of action when an audit has been requested has been amended to be within the discretion of the Director, rather than being mandatory as proposed;

3. In § 200.214, it is specified that a project is not necessarily disqualified upon the disapproval of a single principal, but that the project may be approved if it is otherwise acceptable and able to proceed without the participation of the disapproved principal.

The Department received several comments concerning cured defaults on insured mortgages as a reason for disapproval. However, no change in § 200.214 (c) (1) (iii) has been made, because the word "defaults" in that section refers to existing defaults on mortgages and does not include defaults that have been cured.

In addition, the Department received several comments of a technical nature, suggesting changes that were deemed inappropriate.

The regulations are therefore amended as follows:

1. The Table of Contents for Part 200 is amended to include the following under Subpart H:

PREVIOUS PARTICIPATION REVIEW AND CLEARANCE

Sec.	
200.210	Applicability of procedure.
200.211	Previous participation certificate.
200.212	Definition of principal.
200.213	Determination by Director, Participation Control Staff.
200.214	Determination by Multifamily Participation Review Committee.
200.215	Notice of disapproval.
200.216	Reconsideration.
200.217	Appeal.
200.218	Effect of procedure.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development (42 U.S.C. 3535(d)).

2. A new section entitled Previous Participation Review and Clearance shall be added to Part 200 Subpart H as follows:

PREVIOUS PARTICIPATION REVIEW AND CLEARANCE

§ 200.210 Applicability of procedure.

The Previous Participation Review and Clearance procedure set forth in §§ 200.211 through 200.218 is applicable to every project to be financed with a mortgage insured under the National Housing Act and with respect to every purchase of a project subject to a mortgage insured under the National Housing Act. The procedure does not apply to any other Department programs in which a previous participation certificate may be required.

§ 200.211 Previous participation certificate.

(a) A previous participation certificate, on a form prescribed by the Commissioner, shall be filed with respect to every project to be financed with a mortgage insured under the National Housing Act and with respect to every purchase of a project subject to a mortgage insured under the National Housing Act. The certificate must be filed by the applicant with the Request for Feasibility Analysis or Application for Project Mortgage Insurance, Application for Transfer of Physical Assets or Bid to Purchase a Secretary-Owned Project. The certificate shall be executed by each of the principals involved in the project.

(b) Each person who executes the certificate shall, by such execution, certify:

(1) That the persons executing the certificate are the only principals involved in the project or that any principal who has not executed the certificate has filed a separate certificate for the project;

(2) That he has listed every HUD project in which he has participated or had any interest; and

(3) That no project in which he has participated or has had any interest was ever in default or received mortgage relief, except as shown in the certificate.

§ 200.212 Definition of principal.

For the purpose of filing a previous participation certificate under § 200.211, the term "principal" includes individuals, corporations, joint ventures and partnerships having any interest in a project or participating as a sponsor, owner, general contractor, project manager or management agent, and packager or consultant. The term "principal" also includes architects and attorneys who have any interest in the project other than an arms-length fee arrangement for professional services. If the principal is a partnership or a corporation, the term also includes all general partners and all limited partners having a 25 percent or more interest in the organization or all corporate officers and directors and all stockholders having a 10 percent or more interest in the organization.

§ 200.213 Determination by Director, Participation Control Staff.

(a) **Approval.** The Director, Participation Control Staff, shall, consistent with the authority delegated to him by § 200.59a, approve projects upon a determination that there is no information concerning past HUD program experience involving the previous participation of the principals that is not clearly consistent with the acceptability of new proposals involving their participation. The Director, Participation Control Staff, may also approve a project following the disapproval of a principal thereof: *Provided*, That he determines that the project is otherwise acceptable and able to proceed without the participation of the disapproved principal.

(b) **Withholding of action.** The Director, Participation Control Staff, may

withhold action pending resolution of any of the following circumstances:

(1) When an authorized HUD official has requested an audit of a principal or of a project in which a principal has participated and the audit has not yet been completed.

(2) When an audit contains adverse findings that have not been satisfactorily resolved.

In addition, the Director, Participation Control Staff, may withhold action for such other causes as may be authorized by the Multifamily Participation Review Committee.

(c) *Disapproval.* The Director, Participation Control Staff, shall disapprove a project with respect to the participation of a principal under the following circumstances:

(1) When the principal has been refused the benefits of participation under section 512 of the National Housing Act and §§ 200.190 through 200.194 or is the subject of an Unsatisfactory Risk Determination under §§ 200.200 through 200.202 or debarment or suspension under Part 24 of this title.

(2) When a principal who has previously been disapproved for participation submits a new proposal and there has been no change in the cause for disapproval and no request for reconsideration.

(d) *Referral to Multifamily Participation Review Committee.* Whenever the Director, Participation Control Staff, cannot make a determination of a case under paragraphs (a) through (c) of this section, he shall refer the case to the Multifamily Participation Review Committee, together with all available information and his recommendation of the action to be taken.

§ 200.214 Determination by Multifamily Participation Review Committee.

The Multifamily Participation Review Committee shall, consistent with its functions as described in § 200.93 of this part, make one of the following determinations:

(a) *Approval.* The Multifamily Participation Review Committee shall approve projects upon a determination that there is no information concerning past HUD program experience involving the previous participation of the principals that is not consistent with the acceptability of new proposals involving their participation. The Multifamily Participation Review Committee may also approve a project following the disapproval of a principal thereof: *Provided*, That it determines that the project is otherwise acceptable and able to proceed without the participation of the disapproved principal.

(b) *Withholding of action.* The Multifamily Participation Review Committee may withhold action when a principal is the subject of an HUD or other governmental investigation and the available information indicates that the investigation, upon completion, may disclose adverse information of the nature described in paragraph (c) of this section or may

result in the application of any of the administrative actions described in § 200.213(c)(1). In addition, the Multifamily Participation Review Committee may, when adverse information of the nature described in paragraph (c) of this section exists, withhold action pending correction of the deficiencies.

(c) *Disapproval.* (1) The Multifamily Participation Review Committee may disapprove a project when the following adverse information exists in connection with any HUD project in which a principal has previously participated, provided that the Committee may consider mitigating circumstances in making a determination:

(i) Improper distribution of project funds, diversion of project income, unfunded security deposits or any other use of project assets contrary to HUD requirements that has not been corrected to the satisfaction of the Committee at the time of its consideration;

(ii) Violation of regulatory agreement or noncompliance with any other obligation to HUD that has not been corrected to the satisfaction of the Committee at the time of its consideration;

(iii) One or more foreclosures or defaults on an insured mortgage or mortgages, except when caused by circumstances beyond the principal's control.

(iv) Any serious violation of HUD regulations;

(v) Other noncompliance with program requirements in any HUD program.

(2) The Multifamily Participation Review Committee may also disapprove a project when the following adverse information exists in connection with a principal:

(i) A United States Attorney has advised the Department that prosecution of the principal for a felony is imminent or probable;

(ii) Failure to respond to HUD inquiries or instructions;

(iii) Failure to disclose previous participation.

§ 200.215 Notice of disapproval.

(a) Whenever a proposed project is disapproved, the Previous Participation Review Officer shall give written notice of the disapproval to the area or insuring office. The notice shall set forth the reasons for disapproval.

(b) The area or insuring office shall give written notice of the disapproval to the applicant and to each principal whose participation was disapproved. The notice to the principal whose participation was disapproved shall set forth reasons for disapproval.

§ 200.216 Reconsideration.

A principal whose participation in a proposed project has been disapproved may request reconsideration by the Multifamily Participation Review Committee. Such request shall be made in writing and shall contain a statement fully setting forth the action taken by the principal to correct the causes that led to his disapproval.

§ 200.217 Appeal.

A principal whose participation in a proposed project has been disapproved and whose request for reconsideration has resulted in confirmation of the disapproval may appeal under § 24.10 of this title.

§ 200.218 Effect of procedure.

Approval or disapproval of principals, under §§ 200.210 through 200.217, shall not be considered as determinative of the feasibility of a project or its acceptability for mortgage insurance purposes except as to the participation of such principals in the project.

Effective date. This amendment is effective as of September 16, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing
Production and Mortgage
Credit, Federal Housing Com-
missioner.

[FR Doc.74-18803 Filed 8-14-74; 8:45 am]

[Docket No. R-74-283]

DEBENTURE INTEREST RATES

Mortgage Insurance

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6 1/8%	Jan. 1, 1971	July 1, 1971
5 7/8%	July 1, 1971	Jan. 1, 1972
5 3/4%	Jan. 1, 1972	July 1, 1972
5 1/2%	July 1, 1972	Jan. 1, 1973
5 1/4%	Jan. 1, 1973	July 1, 1973
5%	July 1, 1973	Jan. 1, 1974
4 3/4%	Jan. 1, 1974	July 1, 1974
4 1/2%	July 1, 1974	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6 1/4	Jan. 1, 1971	July 1, 1971
5 3/4	July 1, 1971	Jan. 1, 1972
5 1/2	Jan. 1, 1972	July 1, 1972
5 1/4	July 1, 1972	Jan. 1, 1973
5 1/4	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6 1/4	Jan. 1, 1974	July 1, 1974
6 3/4	July 1, 1974	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpretations or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In § 207.259 paragraph (e) (6) is amended to read as follows:

§ 207.259 Insurance benefits.

(e) Issuance of debentures. * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6 3/4	Jan. 1, 1971	July 1, 1971
5 3/4	July 1, 1971	Jan. 1, 1972
5 1/2	Jan. 1, 1972	July 1, 1972
5 1/4	July 1, 1972	Jan. 1, 1973
5 1/4	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6 1/4	Jan. 1, 1974	July 1, 1974
6 3/4	July 1, 1974	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpretations or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6 1/4	Jan. 1, 1971	July 1, 1971
5 3/4	July 1, 1971	Jan. 1, 1972
5 1/2	Jan. 1, 1972	July 1, 1972
5 1/4	July 1, 1972	Jan. 1, 1973
5 1/4	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6 1/4	Jan. 1, 1974	July 1, 1974
6 3/4	July 1, 1974	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpretations or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date: July 1, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

THOMAS G. CODY,
Assistant Secretary for Administration.

[FR Doc.74-18682 Filed 8-14-74;8:45 am]

Title 26—Internal Revenue

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7320]

PART 301—PROCEDURE AND ADMINISTRATION

Innocent Spouses; Correction

On Tuesday, August 6, 1974, Treasury Decision 7320 was published in the FEDERAL REGISTER (39 FR 28278).

The following corrections are made:

(1) Par. 4. § 301.6653-1 (column two, page 28279), should be corrected to read as follows: "Section 301.6653-1 is amended by adding a new paragraph (f) following paragraph (e) to read as follows".

(2) Section 301.6653-1 (column two, page 28279), par. (d) should be redesignated "(f)".

JAMES F. DRING,
Director,

Legislation and Regulations Division.

[FR Doc.74-18729 Filed 8-14-74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Wage Order and Increases in Wage Rates

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 632 (39 FR 19948), the Secretary of Labor appointed and convened Industry Committee No. 15 for

Newly Covered Employment in the Virgin Islands, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 15 are hereby published, adding paragraph (c) to § 694.1 of Title 29, Code of Federal Regulations. To effectuate the changes made by the 1974 Amendments, including the increase in wage rates and the elimination of the hotel and motel classification and restaurant and food service classification, paragraphs (b) and (c) are revised and to simplify § 694.2 editorially, the latter is amended.

As revised § 694.1 reads as follows:

§ 694.1 Wage rates.

Every employer shall pay to each of his employees in the Virgin Islands, who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in any enterprise engaged in commerce or in the production of goods for commerce or is employed in domestic service, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the classification in which such employee is engaged. However, the provisions of this wage order shall not apply with respect to the minimum wage rate of any employee employed in the Virgin Islands by the United States or by the government of the Virgin Islands, by an establishment which is a hotel, motel, or restaurant, or by any retail or service establishment which employed such employee primarily in connection with the preparation or offering of food and beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guest of members of clubs. The minimum wage rate of such an employee shall be determined under the Fair Labor Standards Act of 1938 in the same manner as the minimum wage rate for employees employed in the 50 States is determined.

(a) *The pre-1966 coverage classification.* (1) The minimum wage for this classification is \$1.75 an hour effective May 1, 1974; \$1.90 an hour effective May

1, 1975; \$2.05 an hour effective May 1, 1976; \$2.20 an hour effective May 1, 1977; and \$2.30 an hour effective May 1, 1978.

(2) This classification includes all activities of employees in the Virgin Islands which were within the purview of section 6 of the Fair Labor Standards Act of 1938 prior to the effective date of the Fair Labor Standards Amendments of 1966.

(b) 1966 coverage classifications. The classifications in this paragraph (b) include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966 or by section 906 of the Education Amendments of 1972.

(1) *The Agriculture classification.* (i) The minimum wage for this classification is \$1.42 an hour effective May 1, 1974; \$1.57 an hour effective May 1, 1975; \$1.72 an hour effective May 1, 1976; \$1.87 an hour effective May 1, 1977; \$2.02 an hour effective May 1, 1978; \$2.17 an hour effective May 1, 1979; and \$2.30 an hour effective May 1, 1980.

(ii) This classification is defined as farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market; processing, handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or making cheese or butter or other dairy products; the operation of a country elevator, including such an establishment which sells products and services used in the operation of a farm; the ginning of cotton for market; and the transportation and preparation for transportation of fruits and vegetables, whether or not performed by a farmer, from the farm to a place of first processing or first marketing.

(2) *The general classification.* (i) The minimum wage for this classification is \$1.75 an hour effective May 1, 1974; \$1.90 an hour effective May 1, 1975; \$2.05 an hour effective May 1, 1976; \$2.20 an hour effective May 1, 1977; and \$2.30 an hour effective May 1, 1978.

(ii) This classification is defined as all activities of employees in the Virgin Islands, including the activities of those preschool employees which were within the purview of section 6 of the Fair Labor Standards Act by section 906 of the Education Amendments of 1972, other than those activities included in the agriculture classification defined in subparagraph (1) of this paragraph.

(c) *The 1974 coverage classifications.* The classifications in this paragraph (c)

include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1974.

(1) *The domestic service classification.*

(i) The minimum wage for this classification is \$1.20 an hour for the period ending April 30, 1975; \$1.32 an hour effective May 1, 1975; \$1.44 an hour effective May 1, 1976; \$1.59 an hour effective May 1, 1977; \$1.74 an hour effective May 1, 1978; \$1.89 an hour effective May 1, 1979; \$2.04 an hour effective May 1, 1980; \$2.19 an hour effective May 1, 1981; and \$2.30 an hour effective May 1, 1982.

(ii) This classification is defined as service of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode or an individual or family. A separate and distinct dwelling maintained by an individual or a family in an apartment house or hotel may constitute a private home. However, a dwelling primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home. Domestic service in and about a private home includes, but is not limited to, services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

(2) *The motion picture theater classification.* (i) The minimum wage for this classification is \$1.80 an hour for the period ending April 30, 1975; \$1.95 an hour effective May 1, 1975; \$2.10 an hour effective May 1, 1976; \$2.25 an hour effective May 1, 1977; and \$2.30 an hour effective May 1, 1978.

(ii) This classification is defined as the activities of employees of motion picture theaters.

(3) *The retail and service classification.* (i) The minimum wage for this classification is \$1.70 an hour effective January 1, 1975; \$1.85 an hour effective May 1, 1975; \$2.00 an hour effective May 1, 1976; \$2.15 an hour effective May 1, 1977; and \$2.30 an hour effective May 1, 1978. (No minimum wage is applicable to this classification prior to January 1, 1975.)

(ii) This classification is defined as the activities of employees employed in retail and service establishments that are parts of covered enterprises and that have an annual volume of sales that is less than \$250,000 but not less than \$225,000 after January 1, 1975, and is not less than \$200,000 after January 1, 1976, and in any amount after January 1, 1977. (Retail and service establishments with \$250,000 or more in annual sales volume are covered under the pre-1974 provision of the Fair Labor Standards Act of 1938.)

As amended § 694.2 reads as follows:

§ 694.2 Notices.

Every employer subject to the provisions of the Fair Labor Standards Act

of 1938 shall post in a conspicuous place in each department of his establishment, or establishments, where employees subject to the act are working such notices as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor.

(Secs. 5, 6, 7, 8, 13, 52 Stat. 1062, 1064; (29 U.S.C. 205, 206, 207, 208, 213))

Effective date. Except as otherwise specified, the effective date of the commencement of wage rates is August 31, 1974.

Signed at Washington, D.C., this 12th day of August 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour
Division, U.S. Department of
Labor.

[FR Doc. 74-18782 Filed 8-14-74; 8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DE- PARTMENT OF THE INTERIOR

SUBCHAPTER C—COAL MINE HEALTH AND SAFETY

PART 100—CIVIL PENALTIES FOR VIOLA- TION OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Revision and Reinstatement of Procedures for Informal Assessment

Correction

In FR Doc. 74-17293 appearing at page 27560 in the issue of Tuesday, July 30, 1974, the first entry in the "Penalty Points" column of the table at the top of the third column reading "10" should read "—10".

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 17-74-1R]

PART 127—SECURITY ZONES

Establishment of Security Zone; Port Valdez, Valdez, Alaska

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters adjacent to the mouth of Dayville Creek and inside Jackson Point as a security zone. This security zone is established to protect shipping and pleasure boaters from the effects of blasting for construction of the future Trans-Alaska Pipeline System Terminal.

This amendment is issued without publication of a notice of proposed rule-making and this amendment is effective immediately because good cause exists and public procedures on this amendment are impracticable due to the necessity of proceeding in a timely fashion with the construction of the terminal facility during the available construction season.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.1701, to read as follows:

§ 127.1701 Port Valdez, Valdez, Alaska.

The waters within the following boundary is a security zone: a line beginning at the tip of Jackson Point (61-05.4N. Latitude, 146-22.7W. Longitude); thence westerly to the tip of Saw Island (61-05.4N. Latitude, 146-24.2W. Longitude); thence southerly to the shore; thence easterly following the shoreline to the beginning point.

(46 Stat. 220, as amended, § 6(b), 80 Stat. 937 (50 U.S.C. § 191, 49 U.S.C. § 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment becomes effective on June 21, 1974.

GLENN O. THOMPSON,
Rear Adm., U.S. Coast Guard,
Commander, Juneau, Alaska.

[FR Doc.74-18772 Filed 8-14-74; 8:45 am]

Title 34—Government Management
CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER F—AUTOMATIC DATA PROCESSING MANAGEMENT

PART 282—MANAGEMENT, ACQUISITION, AND UTILIZATION OF AUTOMATIC DATA PROCESSING (ADP) (FMC 74-5)

Management, Acquisition, and Utilization of Automatic Data Processing (ADP)

This document establishes policies and procedures over the management, acquisition, and utilization of ADP and converts Office of Management and Budget Circulars A-27 and A-54 into a General Services Administration Federal Management Circular (FMC 74-5) pursuant to Executive Order 11717 and Office of Management and Budget Bulletin 74-4, which transferred certain Office of Management and Budget responsibilities and circulars to the General Services Administration.

FMC 74-5, dated July 30, 1974, prescribes policies in the management, acquisition, and utilization of ADP equipment, software, maintenance, ADP related services, and supplies.

Part 282, Management, Acquisition, and Utilization of Automatic Data Processing (ADP), is added to read as set forth below.

- Sec.
- 282.1 Purpose.
- 282.2 Supersession.
- 282.3 Policy intent.
- 282.4 Applicability and scope.
- 282.5 Definitions.
- 282.6 Policies and procedures.
- 282.7 Responsibilities.
- 282.8 Documentation.
- 282.9 Appendices.
- 282.10 Inquiries.

AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973).

Effective date: July 30, 1974.

Dated: July 30, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

§ 282.1 Purpose.

This part establishes policies in the management, acquisition, and utilization of ADP equipment (ADPE), software, maintenance, ADP related services, and supplies. It also provides appropriate references to the General Services Administration's (GSA) Federal Property Management Regulations (FPMR) and Federal Procurement Regulations (FPR) covering ADP.

§ 282.2 Supersession.

This part supersedes Office of Management and Budget (OMB) Circulars No. A-27 dated June 15, 1964, and A-54 dated October 14, 1961, and all transmittal memoranda issued thereunder and incorporates certain provisions of OMB Circular A-61, which was rescinded by OMB on July 23, 1973.

§ 282.3 Policy intent.

The intent of this part is to update and consolidate ADP policy into one directive for ease of agency understanding, reference, and implementation and to effect certain changes relating to discount methodology, residual value, conversion costs, and the requirements for system studies and documentation.

§ 282.4 Applicability and scope.

(a) These policies apply to all Federal agencies and to Government contractors (including educational institutions and other nonprofit organizations), who operate ADP in the performance of work under cost-reimbursement type contracts or subcontracts, or when the ADP is Government furnished equipment provided under a contract with the Government, and the equipment or system is:

(1) Leased and full lease costs are paid by the Government under one or more contracts; or

(2) Purchased by the contractor for the account of the Government or title will pass to the Government.

(b) ADPE, software, maintenance, ADP related services and supplies affected by the policies stated herein are defined in Appendix A. Specific exclusions to the policies stated herein are:

(1) Items of ADPE that are specially designed (not configured) and/or when physically incorporated as a part of a tactical weapon or space system or manufactured for the Government under a developmental contract; or

(2) Software that is specially developed in support of systems described in b(1), above.

§ 282.5 Definitions. (See glossary of terms—Appendix A.)

§ 282.6 Policies and procedures.

(a) *Documenting the determination of need for acquiring ADP.* Determination of need shall be preceded by and be based upon the results of well documented general systems and/or feasibility studies for any acquisitions wherein the anticipated purchase price will exceed \$100,000 or where the anticipated monthly rental will exceed \$2,500. Below

this dollar level, agency procurement files should be documented to include appropriate management justification and approval. In either instance, documentation must be adequate to indicate that:

(1) Functions or processes for which the ADPE is to be used are essential and are readily adaptable to automation;

(2) Work load and data processing requirements have been reevaluated to determine if a reduction of nonmission-type work can be effected;

(3) Action has been taken to determine the possibility of improving the performance of existing data processing facilities through interim upgrade or system modifications, rescheduling, software changes, improved work center procedures, or extended shift operations; and

(4) Any new systems, procedures, and methods to be employed in performing the proposed functions or processes have been designed to achieve the highest practicable degree of effectiveness and operational economy.

(b) *Acquisition decisions.* It is the general policy of Government to rely on the private sector for its goods and services except where such action is not in the national interest. This basic guidance is contained in OMB Circular A-76, revised dated August 30, 1967, subject: "Policies for Acquiring Commercial or Industrial Products and Services for Government Use." The decision to establish or augment an in-Government ADP facility or activity must be preceded by a comparative cost analysis to verify that a commercial ADP services approach is not more appropriate.

However, to ensure maximum benefit from current Government investment in ADP resources where excess or idle capacity is available, sharing of already installed/available Government ADPE, software or ADP related services, or use of excess Government-owned equipment has priority status where such resource can meet the required ADP capability economically and efficiently.

(c) *Competitive acquisitions.* (1) Data systems specifications, equipment performance requirements specifications, and other specifications shall be designed to ensure free and open competition and equal opportunity and appropriate consideration to all responsive and responsible suppliers, including manufacturers, leasing companies and third party vendors. These specifications shall be applicable as follows:

(i) Data systems specifications which tend to promote full and free competition are preferred for initial system acquisitions and modifications of equipment on hand.

(ii) Equipment performance requirements specifications are preferred for ADPE replacement actions and may be used for initial system acquisitions and modifications of equipment on hand, provided they are designed to promote competition to the maximum practicable extent.

(iii) Specifications which are a combination of data systems specifications and equipment performance requirements specifications are permissible, provided that such a combination is necessary to adequately describe the Government's requirement. All of these specifications must be consistent with FPMR, FPR (where applicable) and thereafter agency procurement policies and practices.

(2) Two prime factors shall be considered in the selection of equipment.

(i) Its capability to fulfill the system specifications; and

(ii) Its overall costs, in terms of acquisition, preparation for use, and operation.

The term "overall costs," as used in this subparagraph, shall be interpreted to include but not limited to such cost elements as personnel, purchase price or rental, maintenance of purchased equipment, site preparation and installation, programming, training, and conversion costs. In considering conversion costs, care must be taken to avoid undue biases or predispositions which are prejudicial to free and open competition. Conversion costs may be considered only to the extent that such costs can be shown to be clearly essential to continuing agency needs taking into account the probable economic life of the resources to be converted; that due consideration has been given to the possibility of redesigning current systems and software to take advantage of enhanced system capabilities or eliminating obsolete or non-standard software in conflict with applicable Federal Information Processing Standards; and that the bases for such conversion costs are clearly delineated in the solicitation documentation.

(3) Any acquisition without a competitive evaluation is in effect a sole-source procurement and is subject to the applicable FPR's and FPMR's governing procurement. The mere availability of equipment within the existing vendor's product line which is compatible with installed equipment and which may offer a better cost-performance ratio is not a sufficient basis for deviating from paragraphs (c) (1) and (2), of this section above. Any asserted cost burden associated with conversion of existing systems to other vendor product lines is not normally considered the conclusive factor in justifying such sole-source or single product-line procurements. However, where potential conversion costs and/or operational impact are substantial and the requesting agency regards them as essential in a determination of "best interests of the Government", such conversion factors should be clearly and fully justified and documented.

(4) If ADPE for an interim upgrade is acquired noncompetitively then the agency shall commit itself to replace the complete ADPE complex (or some logical and substantial subset thereof) of which the interim equipment forms a part. Such acquisition shall be based on new specifications and shall be accom-

plished through a competitive procurement within 2 years of the initial acquisition. The agency and GSA may mutually agree to a longer period of time when there are unusual circumstances.

(d) *Determinations of least cost alternative.*

(1) The method of acquiring ADPE, software, maintenance, ADP related services, and supplies shall be determined after careful consideration of the relative merits of all methods available; i.e., purchase, lease, or lease-with-option to purchase, or any other legally acceptable method. The method chosen shall be that which offers the greatest advantage to the Government under the circumstances which pertain to each situation.

(2) A comparative cost analysis of the alternative method of acquisition shall be performed to determine which method shall provide the Government with the lowest overall cost (price and other factors considered), over the total systems life. Federal agencies shall consider the residual value of the ADPE and/or the total system to the Federal Government as a factor in the comparative cost analysis for any plan wherein title to the equipment would be vested in the Government at any point during the contract period; i.e., purchase, lease with purchase option, or lease to ownership plan. Residual value is the value that would accrue to the Government beyond the stated systems life (as determined by the initial user) as a result of secondary or tertiary uses to be identified by the Automated Data and Telecommunications Service (ADTS). ADTS will, prior to release of solicitation, provide the specific residual value to be used in the comparative cost analysis. If the residual value assigned results in vesting title to the Government as being the least cost alternative, and the agency does not have purchase funds available, ADTS shall be contacted to determine if the ADP Fund can be used to consummate the purchase.

(3) Also to be considered as a factor in the comparative cost analysis is the present value of money to be used in the acquisition of the equipment. The present value computation is applicable to all expenses over the system's life. In making this computation, the provisions regarding present value costs contained in ADTS's "Guidance to Federal agencies on the preparation of specifications, selection, and acquisition of automatic data processing systems" shall be used.

(e) *Acquisition criteria.* The following criteria shall be used to determine the appropriate method of acquisition:

(1) The purchase method is indicated when all of the following conditions exist:

(i) The comparative cost analysis, in consideration of all the factors noted above, indicates that purchase will provide the Government with the lowest overall cost.

(ii) The agency's approved budget contains funds intended for the purchase, funds can be reprogrammed, or resources are available from the GSA ADP Fund.

(2) The lease with option to purchase method is indicated when it is necessary or advantageous to proceed with the acquisition of the equipment that meets system specifications, but it is desirable to defer temporarily a decision on purchase because circumstances do not fully satisfy the conditions which would indicate purchase. This situation might arise when it is determined that a short period of operational experience is desirable to prove the validity of a system design with which there is no previous experience.

(3) The straight lease method is indicated when it is necessary or advantageous to proceed with the acquisition of equipment that meets system specifications and it has been established conclusively that any one of the conditions under which purchase is indicated is not attainable.

(f) *Review of leased equipment and maintenance of Government-owned equipment.* (1) Equipment acquired under lease shall be reviewed when there has been, or there may be, a substantial change in the circumstances which were germane to the initial decision. Factors to be considered in this review shall include the continued existence of the requirement, the availability of funds, changes in the market place, and the availability of more economical sources such as requirements-type contracts. To the extent feasible, these reviews shall be made prior to renewal of lease agreements and should coincide with the submission of the agencies' annual budget requests, so that if purchase is indicated and funds are not available, requests for appropriations may be made at the earliest possible date.

(2) On occasion, special opportunities arise to purchase or enter into multi-year leases of ADPE at considerably reduced prices. When purchase is indicated, efforts to secure the necessary funds shall be made by reprogramming current agency funds, if possible. If time limitations to secure purchase funds are inconsistent with normal budgetary procedures or if multi-year contracting is required, then GSA shall be requested to consider the procurement under the ADP Fund.

(3) The method of maintaining Government-owned equipment shall be periodically reviewed, preferably annually, to ensure that maintenance is being accomplished at the lowest overall cost to the Government. In making this review, consideration shall be given to the economic feasibility of performing maintenance with in-house resources or third-party maintenance sources consistent with the provisions of OMB Circular A-76, revised.

(g) *Privacy.* Agencies involved in the planning, acquisition and utilization of ADPE whose applications may include personal data record keeping shall give proper consideration to privacy and related security issues to insure that adequate safeguards are provided to protect the right of individual privacy.

(h) *ADP Standards.* Standards for ADP that are established by the Secretary of Commerce under the provisions

of Public Law 89-306, dated October 30, 1965, and Executive Order 11717, dated May 9, 1973, are applicable in the acquisition and use of ADPE and services. These mandatory Federal Standards are published by the National Bureau of Standards as Federal Information Processing Standards.

§ 282.7 Responsibilities.

The head of each executive department and establishment shall establish the necessary framework of procedures, including appropriate reviews and controls, that will ensure compliance with the policies herein stated.

§ 282.8 Documentation.

System studies (sometimes referred to as applications studies, feasibility studies, or other terms), specifications, etc., shall be fully documented. Decisions on the selection of ADPE, on the method of acquisition, and on the review of the current status of method of acquisition also shall be documented to reflect adequately the considerations taken into account and the basis for the decisions. Documentation shall be available to OMB examiners and to GSA as necessary.

§ 282.9 Appendices.

Definitions and a listing of applicable ADP issuances are set forth in the attachments, which are:

- Appendix A—Glossary of Terms
- Appendix B—Government-wide ADP Directives

§ 282.10 Inquiries.

Further information concerning this part may be obtained by contacting: General Services Administration (AMD) Washington, DC 20405. Telephone: IDS 183-33128, FTS (202) 343-3128

Dated: July 30, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

APPENDIX A—GLOSSARY OF TERMS

For purposes of this part:

1. "Automatic data processing equipment" (ADPE) means general purpose commercially available, and mass-produced automatic data processing components and the hardware systems created from them regardless of use, size, capacity, or price that are designed to be applied to the solution or processing of a variety of problems or applications and are not specifically designed (not configured) for any specific application. It includes:

- (a) Digital, analog, or hybrid computer equipment; and/or
- (b) Auxiliary or accessory equipment such as plotters, tape cleaners, tape testers, source data automation recording equipment (optical character recognition equipment, paper tape typewriters, magnetic tape cartridge typewriters, and other data acquisition devices), to be used in support of digital, analog, or hybrid computer equipment, either cable connected, wire connected, or self-standing, and whether selected or acquired with a computer, or separately; and/or
- (c) Punched card accounting machines (PCAM) used in conjunction with or independently of digital, analog, or hybrid computers; and
- (d) Data transmission or communications equipment that is selected and acquired

solely or primarily for use with a configuration of ADPE which includes an electronic computer.

2. "ADP related services" excludes hardware maintenance and systems software support, but includes systems analysis, programming, data conversion, service bureau, teleprocessing, and other nonpersonal services.

3. "Data systems specifications" means: (a) The delineation of the objective which the system is intended to accomplish and (b) the data processing requirements underlying that accomplishment. The latter includes a description of the data output and its intended uses, the data input, the data files and record content, the volumes of data, the processing frequencies, timing, and such other facts as may be necessary for a full description of the system.

4. "Equipment performance requirements specifications" means a statement of those hardware factors such as cycle time, computing speed, memory capabilities, and expandability (modularity) and the related software which are a measure of the operating capability of equipment and which, when applied to the data systems specifications, provide a measure of the operating time required to process the applications involved on that equipment.

5. "Federal agency" means any executive agency (executive department or independent establishment in the executive branch including any wholly owned Government corporation) or any establishment in the legislative or judicial branch of the Government except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

6. "Interim upgrade" means the acquisition of additional and/or augmentation of installed components or subsystems to increase or improve the data processing capability of ADPE or systems. The acquisition and/or augmentation must be on a temporary basis, pending a fully competitive procurement, to meet unforeseen, urgent, data processing requirements.

7. "Maintenance services" means those examinations, testing, repair, or part replacement functions performed to: (a) Reduce the possibility of ADPE malfunction (commonly referred to as "preventive maintenance"), (b) restore a component of ADPE which is not functioning (commonly referred to as "remedial maintenance"), and (c) modify the ADPE in a minor way (commonly referred to as "field engineering change," or "field modification").

8. "Modification" means the augmentation of individual equipment components of an installed ADPE configuration to improve the system's data processing capability.

9. "Procurement" means the acquisition of ADPE, software, maintenance, ADPE related services, and supplies by purchase or lease.

10. "Replacement" means the substitution of identical types and models of ADPE and/or plug-to-plug compatible devices from an alternate source of supply.

11. "Sharing" is ADP work performed for an organization that is not an organic part of the organization operating the ADPE (non-mission type work) and the providing organization is not normally responsible for or funded and staffed to produce the work.

12. "Software" means commercially available proprietary computer programs and routines used to extend the capabilities of ADPE. This category of software includes those software packages available in the commercial market through lease or purchase. Software packages provided by original equipment manufacturers which are separately priced from ADPE are included in this category.

13. "Supplies" means consumable items designed specifically for use with ADPE, such as computer tape, ribbons, punch cards, and tabulating paper.

APPENDIX B—GOVERNMENT-WIDE ADP DIRECTIVES

OFFICE OF MANAGEMENT AND BUDGET CIRCULARS

- A-11—Preparation and submission of annual budget estimates; total obligations for computer systems
- A-71—Responsibilities for the administration and management of ADP activities
- A-76—Policies for acquiring commercial products and services for Government use
- A-94—Discount rates to be used in evaluating time-distributed costs and benefits

FEDERAL MANAGEMENT CIRCULARS

74-2—ADP management information system

FEDERAL PROPERTY MANAGEMENT REGULATIONS

- § 101-32.00—Government-wide automated data management services.
- § 101-32.2—ADP resources utilization
- § 101-32.3—Reutilization of ADP equipment and supplies
- § 101-32.4—Procurement and contracting
- § 101-32.7—Management and control of computer rooms and related support areas
- § 101-32.8—Federal Data Processing Centers
- § 101-32.9—ADP collocation and consolidation program
- § 101-32.10—ADP records management
- § 101-32.11—ADP communications support for ADP systems
- § 101-32.12—Care and handling of magnetic computer tape
- § 101-32.13—Implementation of FIPS PUBS into solicitation documents
- § 101-32.14—Computer performance evaluation and ADP simulation

TEMPORARY REGULATION

E-32—FY 75 ADP Schedule Contract Program

GSA BULLETINS

- E-38—Leaseback arrangements for automatic data processing equipment
- E-57—Ownership and rights in ADP systems
- E-63—Maintenance of Government-owned automatic data processing equipment (ADPE)
- E-80—Converting ADP equipment to 84 character-set requirements
- E-91—Obtaining automatic data processing services from commercial sources
- E-93—Source Data Automation Equipment Guide
- E-99—Acquisition of excess leased automatic data processing equipment (ADPE)
- E-111—Reporting accrued rental credits on leased automatic data processing equipment (ADPE)
- E-129—Guarantee of condition of ADP Fund equipment

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky; Approval of Plan

On February 8, 1972, the Governor of Kentucky initially submitted to the Administrator of the Environmental Protection Agency the State's "Implementation Plan for the Attainment and Maintenance of the National and State Ambient Air Quality Standards." This

plan had been adopted by the State following a public hearing held on January 11, 1972, in Frankfort, Kentucky. It was submitted pursuant to section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, which require States to adopt implementation plans to achieve and maintain the national ambient air quality standards set forth in 40 CFR Part 50.

On May 31, 1972 (37 FR 10842), the Administrator approved the Kentucky plan with one exception, which arose from a deficiency in the State's legal authority to allow public release of emission data. This deficiency was subsequently resolved on July 27, 1972 (37 FR 15080), when the Administrator delegated to the Commonwealth of Kentucky the required legal authority.

On June 28, 1973, a decision of the U.S. Court of Appeals for the Sixth Circuit in the case of "Buckeye Power Co., et al. v. Environmental Protection Agency," 481 F.2d 162, and two related cases, vacated the Administrator's approval of the Kentucky plan and remanded the case to the Agency for compliance with section 553 of the Administrative Procedures Act, viz., to take comments, data, or other evidence from interested parties, and to express the basis for administrative actions.

Consequently, on December 5, 1973, Governor Wendell Ford resubmitted to the Administrator the Kentucky implementation plan. Submitted as part of the plan was a new regulation, AP-11, providing for the pre-construction review of new or modified sources of air pollution. This was intended to satisfy additional implementation plan requirements involving indirect sources which had been promulgated on June 18, 1973 (38 FR 15834). AP-11 had received public hearing before being adopted and submitted to the Agency for approval.

On March 19, 1974 (39 FR 10277), the Administrator published as proposed rulemaking the provisions of the resubmitted Kentucky plan, including AP-11, its indirect source regulation. Also, it was noted that the Governor's formal request for a two-year extension of the deadline for meeting primary SO₂ standards in the Louisville Interstate AQCR, granted in the Administrator's original approval of May 31, 1972 (37 FR 10842), was considered to be still in effect. Written comments were solicited from the public with respect to the newly submitted Kentucky plan, and one response was received.

This recommended that the plan's alternate control strategy provision be retained and specifically approved, and that the regulation (AP-4) governing SO₂ emissions from power generating facilities be revised in such a way that its emission limits would apply only to those facilities which cause violation of ambient standards, as shown by the average data gathered from two or more monitoring stations.

With respect to the alternate control strategy provision of the plan, the Administrator's position is that it should be specifically disapproved, and his rea-

son is given below under "Approval Comments."

With regard to the provisions of AP-4, the Administrator points out that section 116 of the Clean Air Act reserves to States the right to adopt and enforce measures which are more strict than those needed to attain and maintain the national standards. Therefore, emission limits cannot be disapproved or unilaterally relaxed by the Administrator on the ground that they are too stringent. As noted in his "Approval Comments," however, the Administrator encourages the Commonwealth of Kentucky to re-examine its SO₂ control strategy to determine if it can be modified without jeopardizing the attainment and maintenance of national standards.

APPROVAL COMMENTS

The Kentucky implementation plans meet the requirements of section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, and is hereby approved with one exception.

Section 1(b) of Kentucky air pollution control regulation AP-1 states that:

Where it is demonstrated to the satisfaction of the [Kentucky Air Pollution Control] Commission that an air contaminant source can apply an alternate control strategy which will provide for achievement and maintenance of applicable ambient air quality standards, the Commission may, under such terms and conditions as it deems appropriate, authorize such a control strategy after a public hearing.

In his original approval of May 31, 1972 (37 FR 10842), the Administrator took note of the fact that a number of State plans contained optional control regulations of this sort. At that time, the Administrator took no action on these regulations, but advised the States that any application of them to specific sources would constitute a plan revision. It is now his opinion that this provision of the Kentucky plan—if not specifically disapproved—could be construed to permit intermittent control measures under circumstances where constant emission controls were available. To eliminate the possibility of such an interpretation, section 1(b) of AP-1 is disapproved as failing to meet the requirements of 40 CFR 51.12.

With respect to the plan's control strategy for attaining and maintaining the national standards for particulate matter, the Administrator notes that one of the implementing regulations—AP-3, Control of Particulate Emissions—contains a provision, at section 2(7) (c) (ii), which has the effect of exempting from the emission limits of this regulation certain steam electric power boilers. This exemption applies to those boilers which had been subject to the provisions of old Regulation No. 7, in effect from November 27, 1969, to April 9, 1972, and had made a good faith effort to comply with it. The exemption would cease if the affected sources should be modified. Regulation No. 7 calls for a graduated degree of control which varies according to size—very small boilers are assigned an

emission limit of 0.8# part./10⁶ BTU, while for larger units the limit is 0.24# part./10⁶ BTU. These limits are less stringent than those of AP-3.

At the Agency's request, Kentucky submitted on May 21, 1974, a list of sources subject to the limits of Regulation No. 7. These are as follows:

1. Big Rivers RECC
 - a. Coleman Station, Units 1, 2, and 3
 - b. Reid Station 1
 - c. Reid Station 2, Units 1 and 2
2. Eastern Kentucky Power Corporation
 - a. Cooper Station
 - b. Dale Station, Units 3 and 4
 - c. Maysville facility
3. Henderson Municipal Utilities
 - a. Station 1, Units 5 and 6
4. Kentucky Utilities
 - a. Brown Station, Units 1 and 2
 - b. Ghent facility, Unit 1
 - c. Green River Station, Unit 2, Boiler 3
 - d. Louisa facility, Unit 1
5. Owensboro Municipal Utilities
 - a. Elmer Smith Station, Units 1 and 2
 - b. Owensboro facility, Units 1, 2, 3, and 4

Of these 23 units, only 6 fail to meet the emission limits set forth in AP-3 as well as those of Regulation No. 7. The Administrator has determined that the exemptions just described will have no adverse effect on the attainment and maintenance of national ambient standards for particulate matter in Kentucky. In his judgment, the plan meets the requirements of 40 CFR 51.13 with respect to this pollutant.

The Administrator has determined that the Kentucky plan also meets the requirements of 40 CFR 51.13 with respect to sulfur oxides. The two-year extension originally granted for achieving primary SO₂ standards in the Louisville Interstate AQCR is hereby reaffirmed. The Administrator has reviewed the potential for attainment of primary SO₂ standards in this AQCR and has determined that it will not be feasible for electrical generating units and other fuel burning sources to achieve needed reductions in SO₂ emissions before mid-1977. Low-sulfur fuel is not available in sufficient quantity to permit significant fuel switching in this heavily coal-dependent area. To attain primary standards, flue gas desulfurization is needed for at least four additional units of Louisville Gas and Electric's electrical generating system. The installation of this equipment cannot be completed prior to 1977 because of the inherent limitations of the design for construction process, although the Company has made significant progress to date. A particular difficulty has been the reluctance of the Kentucky Public Service Commission to approve expenditures for this purpose, which is necessary for continuing progress. Unavoidable equipment delivery delays encountered by other industrial sources in obtaining needed control equipment, which were projected in 1972, are being realized and will preclude their being able to totally achieve needed reductions before 1977. As an interim control effort, these sources are cooperating with State and local agencies to utilize all the low sulfur fuel they can obtain.

Since the supply of low sulfur fuels is currently limited, the Administrator, in accordance with the Agency's clean fuels policy, invites the State of Kentucky to reexamine the effects of its sulfur oxide regulations to determine whether less stringent limits might not, in certain portions of the State, adequately attain primary ambient air quality standards.

In the Administrator's judgment, the requirements of 40 CFR 51.14 are met by the Kentucky plan's control strategies for hydrocarbons, photochemical oxidants, and nitrogen oxides. On May 8, 1974 (39 FR 16344), the Louisville and Cincinnati AQCR's were reclassified as Priority III for nitrogen oxides. In view of this action, the Administrator invites the Commonwealth of Kentucky to reexamine its nitrogen oxide regulations to determine whether the national standards could be met without controlling emissions of this pollutant from stationary sources.

As announced previously, a number of individually negotiated compliance schedules were submitted by Kentucky along with its plan. These will appear as proposed rulemaking in a subsequent publication.

The Administrator has determined that the indirect source regulation of the Kentucky plan satisfies the requirements of 40 CFR 51.11(a)(4), 51.12(e), and 51.18, and it is therefore approved. The Administrator's promulgation of a Federal regulation to satisfy these requirements is simultaneously revoked with respect to Kentucky (39 FR 7270 at 7281).

A detailed description of the plan is now given in such a way that the effect of the present actions on 40 CFR Part 52 can be clearly seen. The originally published plan of May 31, 1972, contained a classification of regions (§ 52.921) and attainment dates for the national standards (§ 52.926). These sections are retained as revised on May 8, 1974 (39 FR 16344), when the Louisville and Cincinnati regions were reclassified from I to III for NO_x, and the attainment dates were changed to show that secondary standards for this pollutant were already being met in these two AQCR's. Section 52.920, "Identification of plan," is retained as originally published together with subsequent amendments; these include notice of the plan's resubmittal on December 5, 1973, and the State's submittal of information regarding Regulation No. 7 on May 21, 1974. Section 52.921, "Extensions," is retained as originally published, for the Administrator has confirmed the granting of a two-year extension to meet primary SO₂ standards in the Louisville region. Sections 52.923, "Approval status," and § 52.924, "Legal authority," are retained as originally published. Section 52.925 is reserved. Section 52.927 is retained as originally published pending the Administrator's determination that all the compliance schedule requirements of 40 CFR Part 51 have been met; action on any of the above-mentioned individually negotiated compliance schedules will be set forth

in this section. Section 52.928, "Review of new sources and modifications," is revoked here. Section 52.929 is reserved. Section 52.930, "Control strategy: General," is added for the purpose of expressing the Administrator's disapproval of the plan's provision for optional control strategies applicable to individual sources.

The rulemaking actions set forth in this notice are effective immediately.

The Administrator finds that sufficient cause exists for making these actions immediately effective in that the Commonwealth of Kentucky has lacked a Federally enforceable implementation plan since June, 1973, through a decision of the U.S. Court of Appeals for the Sixth Circuit. Moreover, ample opportunity has now been given for public comment on the provisions of the plan, and further postponement of the effective date would serve no useful purpose.

(Sec. 110 of the Clean Air Act, as amended 1970 (42 U.S.C. 1857c-5).)

Dated: August 9, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

✓1. In § 52.920, paragraphs (b) and (c) are revised to read as follows:

§ 52.590 Identification of plan.

(b) The plan was officially submitted on February 8, 1972, and was resubmitted on December 5, 1973.

(c) Supplemental information was submitted on:

(1) March 6 and 17, May 3, and June 7, 1972, by the Kentucky Air Pollution Control Office, and

(2) December 5, 1973, and May 21, 1974, by the Kentucky Department for Natural Resources and Environmental Protection.

§ 52.928 [Revoked]

✓2. Section 52.928 is revoked.

✓3. Section 52.930 is added as follows:

§ 52.930 Control strategy: General.

(a) The requirements of § 51.12 of this chapter are not met since section 1 (b) of Kentucky regulation AP-1 may be interpreted as permitting the use of intermittent controls in cases where constant controls are available. Therefore, section 1(b) of regulation AP-1 is disapproved.

[FR Doc.74-18755 Filed 8-14-74; 8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS
[FRL 252-2]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Alachlor

A petition (PP 4F1406) was filed by Monsanto Co., 800 North Lindbergh Bou-

levard, St. Louis, MO 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined negligible residues of the herbicide alachlor (2-chloro-2',6'-diethyl-N-methoxymethyl)acetanilide and its metabolites (calculated as 2-chloro-2',6'-diethyl-N-(methoxymethyl)acetanilide) in or on the raw agricultural commodities forages of field beans, lima beans, and peas at 0.2 part per million and field beans, green lima beans (determined on green lima beans after removing any pod present when marketed), and peas with pods (determined on peas after removing any pod present when marketed) at 0.1 part per million.

Subsequently, the petitioner amended the petition by revising "forages of field beans, lima beans, and peas" to read "forage and hay of peas and beans" and by revising "green lima beans (determined on green lima beans after removing any pod present when marketed)" to read "green lima beans".

Based on consideration given the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerances are being established.

2. The established tolerances are adequate to cover residues in eggs, meat, milk, and poultry resulting from the proposed and existing uses, and § 180.6(a)(2) apples.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.249 is amended by revising the paragraphs "0.2 part per million (negligible residue) * * *" and "0.1 part per million (negligible residue) * * *" as follows:

§ 180.249 Alachlor; tolerances for residues.

0.2 part per million (negligible residue) in or on corn fodder and forage, corn grain, cotton forage, forage and hay of peas and beans, and soybeans.

0.1 part per million (negligible residue) in or on field (dry) beans, green lima beans, peas with pods (determined on peas after removing any pod present when marketed), and potatoes.

Any person who will be adversely affected by the foregoing order may at any time on or before September 16, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of

the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective August 15, 1974.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: August 12, 1974.

HENRY J. KOPP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 74-18754 Filed 8-14-74; 8:45 am]

[FRL 250-8]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl O-[4-(Methylsulfinyl)Phenyl] Phosphorothioate

A petition (PP 2F1209) was filed by Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide and nematocide O,O-Diethyl O-[4-(methylsulfinyl)phenyl] phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities soybean forage at 0.1 part per million; and cottonseed, soybeans, and in the meat, fat, and meat byproducts of hogs and horses at 0.02 part per million.

Based on consideration given the data submitted in this petition and other relevant material, it is concluded that:

1. The insecticide-nematocide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, milk, or poultry, and § 180.6(a)(3) applies.

3. The proposed tolerance at 0.02 part per million is adequate to cover residues in the meat, fat, and meat byproducts of hogs and horses; and the established tolerance of 0.02 part per million for residues in the meat, fat, and meat byproducts of cattle, goats, and sheep is adequate to cover residues resulting from the proposed and established uses.

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512); (21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Pro-

grams (39 FR 18805), § 180.234 is amended by (a) revising the heading, the introductory paragraph, and the paragraphs "0.1 part per million * * *", and "0.02 part per million in meat * * *", and (b) by inserting the new paragraph "0.02 part per million in or on cottonseed * * *" after the paragraph "0.02 part per million (negligible residue) * * *", as follows:

§ 180.234 O,O-Diethyl O-[4-(methylsulfinyl)phenyl]phosphorothioate; tolerances for residues.

Tolerances are established for combined residues of the insecticide and nematocide O,O-diethyl O-[4-(methylsulfinyl)phenyl]phosphorothioate and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

0.1 part per million in or on corn grain (including field corn and popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), onions (dry), potatoes, rutabagas (roots), soybean forage, and tomatoes.

0.02 part per million in or on cottonseed and soybeans.

0.02 part per million in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

Any person who will be adversely affected by the foregoing order may at any time on or before September 16, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective August 15, 1974.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: August 8, 1974.

HENRY J. KOPP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 74-18717 Filed 8-14-74; 8:45 am]

[FRL 250-7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomyl

A petition (PP 4F1466) was filed by E. I. du Pont de Nemours & Co., Inc.,

Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity soybeans at 0.2 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerance is being established.

2. The established tolerances on meat, milk, poultry, and eggs are adequate to cover any residues resulting from the proposed and established uses.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.294 is amended by revising the paragraph "0.2 part per million in or on peanuts * * *" to read as follows:

§ 180.294 Benomyl; tolerances for residues.

0.2 part per million in or on peanuts, soybeans, and sugar beet roots.

Any person who will be adversely affected by the foregoing order may at any time on or before September 16, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective August 15, 1974.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: August 8, 1974.

HENRY J. KOPP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 74-18716 Filed 8-14-74; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 114-40.50—Use of Commercial Forms and Procedures for Small Shipments

PAYMENT POLICY

AUGUST 8, 1974.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)), Subpart 114-40.50, Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment only revises Departmental procedure to comply with a payment policy authorized by the Comptroller General, and the prior notice and public procedure provisions of 5 U.S.C. 553 are inapplicable. Therefore, this amendment will become effective August 15, 1974.

RICHARD R. HITE,
*Deputy Assistant Secretary
of the Interior.*

Sec.	
114-40.5001	Authority.
114-40.5002	Procedures.
114-40.5003	Existing carrier agreements.
114-40.5004	Payment from Imprest Funds.
114-40.5005	Advance payment.
114-40.5006	Alternate delivery receipt procedure.

§ 114-40.5001 Authority.

As provided in 5 GAO 3017, Government agencies are authorized to use commercial forms and procedures for freight shipments on which transportation charges do not exceed \$25 per shipment (4 CFR 52.16). The Department made an administrative determination that there are many situations where commercial forms and procedures would be more efficient and economical than Government bill of lading forms, and extended this discretionary authority to the heads of Bureaus and Offices by memorandum of December 4, 1969. In compliance with 5 GAO 3017.20(1), a copy of this memorandum was sent to the General Accounting Office by letter of December 12, 1969.

§ 114-40.5002 Procedures.

Subject to the following limitations and instructions, the head of each Bureau and Office may, for specific circumstances, approve the use of commercial forms and procedures to procure freight or express transportation services for designated types of small shipments when he determines that this procedure is more efficient and economical than the use of Government bills of lading:

(a) The use of this discretionary authority is limited to those shipments for which the total estimated transportation charges do not exceed \$25 per shipment.

(b) A letter of agreement must be executed by each participating carrier (or its agent), signifying acceptance of the arrangements for use of commercial forms and procedures in connection with

the small shipments in question. The letter of agreement shall be retained in the files of the Bureau or Office participating in the agreement.

(c) The letter of agreement must contain the provision specifically prescribed in 5 GAO 3017.20(3), making the terms and conditions which are applicable to shipments on U.S. Government bills of lading applicable also to shipments moving on commercial bills of lading under the agreement.

(d) The administrative procedures prescribed in 5 GAO 3017.30, for processing bills for shipments made on commercial forms, are to be observed by all offices participating in small shipment carrier agreements.

§ 114-40.5003 Existing carrier agreements.

The General Services Administration has concluded agreements with several carriers to use commercial forms and procedures on small shipments where the transportation charges do not exceed \$25 per shipment. Copies of these agreements are distributed by GSA bulletins in the FPMR G series. Bureaus and Offices are authorized to use commercial forms and procedures under the terms and conditions specified in these agreements and in accordance with supplemental instructions contained in Financial Administration Memoranda issued by the Division of Financial Administration, Office of Budget, Assistant Secretary—Program Development and Budget.

§ 114-40.5004 Payment from Imprest Funds.

The Comptroller General has authorized settlement of transportation charges on small shipments by the imprest fund method of payment when advantageous to the Government and agreeable to the carrier involved. The use of imprest funds for such payments shall be in accordance with FPR 1-3.604, IPR 14-3.604, and 337 DM 2, Administration of Imprest Funds, subject to the following limitations:

(a) Transportation charges paid pursuant to the imprest fund procedures shall not exceed \$25 for any one transaction, and

(b) Imprest funds shall not be used to pay for international shipments or for household goods van shipments.

§ 114-40.5005 Advance payment.

The Comptroller General has authorized, under certain conditions, the payment of transportation charges for small shipments at origin or destination in advance of completion of service upon presentation by the carrier or forwarder of the usual ticket, receipt, bill of lading, or equivalent document covering the service involved. For additional information, refer to Financial Administration Memorandum No. 74-53 (ILF.4).

§ 114-40.5006 Alternate delivery receipt procedure.

As provided in 5 GAO 3035.20, the use of the alternate delivery receipt procedure is authorized for international airline shipments for delivery at foreign destinations and on international and domestic shipments of unaccompanied

baggage via freight. The General Accounting Office has expanded the alternate delivery receipt procedure to apply on inbound international airline shipments (U.S. destinations), regardless of the commodity shipped, when the GBL cannot be accomplished at the destination airport. As prescribed in 5 GAO 3035.30, a certificate of billing carrier in lieu of waiver from delivering carrier should also be furnished when carriers elect to use the delivery receipt procedure on inbound airline shipments.

[FR Doc.74-18725 Filed 8-14-74; 8:45 am]

PART 114-43—UTILIZATION OF PERSONAL PROPERTY

Data Processing Equipment

AUGUST 8, 1974.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)), Subpart 114-43.3 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rule-making procedure is unnecessary and this amendment shall become effective August 15, 1974.

RICHARD R. HITE,
*Deputy Assistant Secretary
of the Interior.*

§ 114-43.313-5 [Revoked]

1. The Table of Contents is amended by deleting the reference to 114-43.313-5, Electronic data processing equipment, and § 114-43.313-5 is deleted in its entirety.

[FR Doc.74-18726 Filed 8-14-74; 8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, GENERAL ADMINISTRATION

PART 5—AVAILABILITY OF INFORMATION TO THE PUBLIC PURSUANT TO PUBLIC LAW 90-23

Correction

The headings for FR Doc. 74-18363 appearing at page 28630 in the issue of Friday, August 9, 1974 should read as set forth above.

The contents entry for the above document appearing at page iii of the August ninth issue was erroneously listed under Education Office. It should be included under the Health, Education and Welfare Department listing.

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103—RESEARCH AND TRAINING, EXEMPLARY, AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Administration of Research and Training

Notice of proposed rulemaking was published in the FEDERAL REGISTER on May 2, 1974 at 39 FR 15294, setting forth

proposed regulations governing the administration of the research and training, exemplary, and curriculum development programs under Parts C, D, and I, respectively of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241-1391.

Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on May 30, 1974, in Washington, D.C., on the proposed regulations. In addition, written comments were invited. One comment was received, in writing. This commenter suggested that the definition of the term "vocational education" should be clarified as the proposed regulation merely defined the term as "vocational and technical education". Since the Vocational Education Act contains in section 108 (1), a comprehensive definition of vocational education, the definition in § 103.3 of the regulations has been amended to make specific reference to the comprehensive definition in the Act.

Since the additional criteria in Appendix A and B were developed for the programs in fiscal year 1974 and notice must be given of new, amended, or revised additional criteria for fiscal year 1975, in order to be sure that no reader will be misled, there has been added to each Appendix, in the heading after "additional criteria" the designation "for fiscal year 1974".

Part 103 of Title 45 of the Code of Federal Regulations is revised to read as set forth below.

Effective Date. Pursuant to section 503 (d) of the Education Amendments of 1972 (Pub. L. 92-318), these regulations become effective September 14, 1974.

(Catalog of Federal Domestic Assistance Nos. 13.498, 13.496, and 13.502, Vocational Education—Research, Curriculum Development, and Innovation (Exemplary Programs and Projects))

Dated: July 18, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: August 6, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Subpart A—Applicability and Definitions

- Sec.
103.1 Applicability.
103.3 Definitions.
103.4 Cross reference to general provisions regulations.

Subpart B—Research and Training Programs (Part C of the Act)

- 103.11 Eligible programs and projects.
103.12 Eligible applicants.
103.13 Applications for grants or contracts.
103.15 Distribution of grants and contracts among the States.

Subpart C—Exemplary Programs and Projects (Part D of the Act)

- 103.21 Purpose.
103.22 Eligible programs and projects.

- Sec.
103.23 Eligible applicants.
103.24 Applications for grants or contracts.
103.25 Review of applications.
103.26 Distribution of grants and contracts among the States.

Subpart D—Curriculum Development Programs (Part I of the Act)

- 103.31 Purpose.
103.32 Eligible programs and projects.
103.33 Eligible applicants.

Appendix A—Exemplary Projects in Vocational Education Additional Criteria

Appendix B—Research Projects in Vocational Education Additional Criteria

AUTHORITY: Secs. 131-134, 141-145, and 191 of the Vocational Education Act of 1963, as amended; 82 Stat. 1078-1082, and 1091, as amended; 20 U.S.C. 1281-1305, and 1391, unless otherwise noted.

Subpart A—Applicability and Definitions

§ 103.1 Applicability.

The regulations in this part apply to grants and contracts made by the U.S. Commissioner of Education for research and training programs under section 131 (a) of part C, for exemplary programs and projects under section 142(c) of part D, and for curriculum development programs under section 191 of part I of the Vocational Education Act of 1963, as amended.

(20 U.S.C. 1281(a), 1302(c), 1391)

§ 103.3 Definitions.

As used in this part:
"Act" means the Vocational Education Act of 1963, as amended.

(20 U.S.C. 1241-1391)

"Curriculum materials" means materials consisting of a series of courses to cover instruction in any occupational field in vocational education which are designed to prepare persons for employment at the entry level or to upgrade occupational competencies of those previously or presently employed in any occupational field.

(20 U.S.C. 1391(c)(2))

"Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency (such as a junior or community college or State-operated area vocational school) having administrative control and direction of a vocational education program.

(20 U.S.C. 1248(9))

"New careers" or "new occupations" includes careers or occupations in such fields as mental and physical health, crime prevention and correction, welfare, education, municipal services, child care, and recreation, requiring less training than professional positions in such fields but providing opportunity for advancement within a career continuum or sequence.

(20 U.S.C. 1282(6))

"State" means a State of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1248(7))

"State board" means the State board designated or created under State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State, and designated in the State plan pursuant to the regulations governing State vocational education programs (45 CFR 102.32).

(20 U.S.C. 1248(8), 1263(a))

"Vocational education" means vocational education as defined in section 108(1) of the Act.

(20 U.S.C. 1248(1))

§ 103.4 Cross reference to general provisions regulations.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1221(c)(1))

Subpart B—Research and Training Programs (Part C of the Act)

§ 103.11 Eligible programs and projects.

Funds available under section 131(a) of the Act may be used by the Commissioner to award grants and contracts to eligible applicants to pay part of the cost of the following types of activities related to vocational education:

- (a) Research in vocational education;
- (b) Training programs designed to familiarize persons involved in vocational education with research findings and successful pilot and demonstration projects in vocational education;
- (c) Experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings;
- (d) Demonstration and dissemination projects;
- (e) The development of new vocational education curricula; and
- (f) Projects in the development of new careers and new occupations, such as:

- (1) Research and experimental projects designed to identify new careers and to delineate, within such careers, roles with the potential for advancement from one level to another;
- (2) Training and development projects designed to demonstrate improved methods for securing the involvement, cooperation, and commitment of both the public and private sectors toward the end of achieving greater coordination and more effective implementation of programs for the employment of persons in new careers and occupations, including programs to prepare professionals (including administrators) to work effectively with aides; and

(3) Projects to evaluate the operation of programs for the training, development, and utilization of public service aides, particularly their effectiveness in providing satisfactory work experiences and in meeting public needs whether through employment by public or private agencies.

(20 U.S.C. 1281(a), 1282)

§ 103.12 Eligible applicants.

(a) The following categories of agencies and institutions are eligible for grants or contracts under this subpart:

- (1) Institutions of higher education;
- (2) State boards;
- (3) Local educational agencies; and
- (4) Other public or private agencies or institutions, provided that no grants may be made to other than a nonprofit agency or institution.

(b) Individuals are not eligible for such grants or contracts.

(20 U.S.C. 1281(a))

§ 103.13 Applications for grants or contracts.

(a) All applications from local educational agencies shall be submitted to the Commissioner through the State board and shall be accompanied by a statement of the State board indicating its approval of the application.

(20 U.S.C. 1281(a), 1283(a))

(b) The application shall be executed by an individual authorized to act for the applicant. Applications shall be mailed to the Application Control Center, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, (Attention: 13.498).

(20 U.S.C. 1283(a))

(c) Requests for applications and application information shall be mailed to Division of Research and Demonstration, U.S. Office of Education, Room 5012, 7th and D Streets, ROB-3 SW., Washington, D.C. 20202.

§ 103.15 Distribution of grants and contracts among the States.

(a) Grants and contracts to eligible applicants located in any one State will be awarded by the Commissioner only from funds allotted to that State pursuant to section 103(a)(2) of the Act and available to the Commissioner under section 131(a) of the Act, except that—

(20 U.S.C. 1242(a), 1243(a)(2), 1281(a))

(1) Grants and contracts for programs or projects of national significance may be made from funds derived from a pro rata share of allotments to all the States, and

(2) Grants and contracts for programs or projects of regional or interstate significance may be made from funds derived from a pro rata share of allotments to all of the States affected by the significance of the program or project.

(b) Determination of whether a particular program or project has national, regional, or interstate significance will be made by the Commissioner on the basis of information submitted to him in the

application and after consultation with a panel of experts.

(20 U.S.C. 1281, 1283(b))

Subpart C—Exemplary Programs and Projects (Part D of the Act)

§ 103.21 Purpose.

The purpose of part D of the Act is to stimulate new ways to create a bridge between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation; and to promote cooperation between public education and manpower agencies, through Federal financial support of exemplary and innovative occupational programs or projects which are designed to broaden occupational aspirations and opportunities for youths, particularly disadvantaged youths; and to serve as models for use in vocational education programs.

(20 U.S.C. 1301, 1303(a)(2))

§ 103.22 Eligible programs and projects.

Funds available under section 142(c) of the Act may be used by the Commissioner to award grants and contracts to eligible applicants to pay all or part of the cost of planning and developing or establishing, operating, or evaluating exemplary programs or projects designed to carry out the purpose set forth in § 103.21. (20 U.S.C. 1302(c), 1303(a)(2)). Such programs or projects may, among others, include:

(a) Those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

(b) Programs or projects for students providing educational experiences through work during the school year or in the summer;

(c) Programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

(d) Programs or projects designed to broaden or improve vocational education curriculums;

(e) Exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this subpart, including manpower agencies and industry;

(f) Programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

(g) Programs or projects at the secondary level to motivate and provide pre-professional preparation for potential teachers for vocational education.

(20 U.S.C. 1303(a)(2)(A)-(G))

No financial assistance may be given under part D of the Act to any program or project for a period exceeding 3 years.

(20 U.S.C. 1305)

§ 103.23 Eligible applicants.

(a) The Commissioner is authorized to make grants to, or contracts with, State boards and local educational agencies.

(b) The Commissioner is also authorized to make grants to other public or nonprofit private agencies, organizations, or institutions when such grants will make an especially significant contribution to attaining the objectives of this subpart as set forth in §§ 103.21 and 103.22.

(c) The Commissioner is also authorized to make contracts with public or private agencies, organizations, or institutions when such contracts will make the contribution referred to in section (b) of this section.

(d) Individuals are not eligible for such grants or contracts.

(20 U.S.C. 1302(c))

§ 103.24 Applications for grants or contracts.

(a) Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the appropriate Regional Office of the U.S. Office of Education.

(b) Completed applications are to be submitted to the appropriate Regional Office (Attention: 13.502)

(20 U.S.C. 1302(c))

(c) Copies of applications shall be submitted simultaneously to the State board for its review. The Commissioner will not approve any application for a proposed program or project if the State board has notified the Commissioner of its disapproval of such program or project within 60 days of its submission to the State board by the applicant.

(20 U.S.C. 1303(b)(3))

(d) Each program or project proposal shall include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. Such plan shall describe the steps by which the grantee will:

(1) Determine the extent to which the objectives of the program or project have been accomplished;

(2) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(3) Promote the inclusion of the successful aspects of the program or project into vocational education programs supported with funds other than those provided under the grant.

(20 U.S.C. 1303(a)(2))

§ 103.25 Review of applications.

The Commissioner will not approve any application for a grant or contract under this subpart until such application has been reviewed in accordance with such procedures as the Commissioner may establish. Such review will take into account in addition to the criteria set forth in § 100a.26(b) of this title such factors as:

(a) Potential impact on reducing the level of youth unemployment;

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(b) Extent of focus on problem areas of major importance in (1) creating bridges between school and earning a living for young people; (2) promoting cooperation between public education and manpower agencies; and (3) broadening occupational aspirations and opportunities for youths;

(c) Extent of emphasis on youths who have academic, socio-economic, or other handicaps;

(d) Relevance to priority areas in vocational education as reflected in the Act;

(e) Utilization of procedures that appear practical and feasible for wide application in vocational education;

(f) Utilization of new approaches and tested innovations which have emerged from recent research and development work; and

(g) Soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the proposed program or project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(2) The procedures for achieving the objectives are appropriate, technically sound, and explained in detail;

(3) Provisions are made for adequate evaluation of the effectiveness of the program or project and for determining the extent to which the objectives are accomplished;

(4) Provisions are made for the genuine and meaningful participation of students enrolled in nonprofit private schools;

(5) Provisions are made for coordinating the activities of the proposed program or project with others having the same or similar purposes;

(6) Provisions are made for disseminating the results of the program or project and for making materials, techniques, and other outputs resulting therefrom available to all those concerned with the improvement of vocational and technical education.

(h) Adequacy of facilities, equipment, and materials for carrying out the proposed program or project;

(i) Adequacy of qualifications and experience of personnel designated to carry out the program or project, including unique and relevant experiences in lieu of formal degrees and certification requiring such degrees;

(j) Reasonableness of estimated cost in relation to anticipated results;

(k) Adequacy of the steps described for ensuring that successful aspects of the program or project will be incorporated into vocational education programs supported with other funds; and

(l) Sufficiency of size, scope, and duration of program or project so as to make a significant contribution to vocational education.

(m) If the application is being submitted by any type of applicant organization other than a State board for vocational education or a local educational agency, a convincing case shall be made that the project would represent an

especially significant contribution to attaining the objectives of Part D of the Act.

(20 U.S.C. 1301, 1302(c), 1303)

(n) The application shall include suitable procedures to assure that Federal funds made available for the project will not be commingled with State or local funds.

(20 U.S.C. 1303(b)(1)(C))

§ 103.26 Distribution of grants and contracts among the States.

Grants and contracts to eligible applicants located in any one State will be awarded by the Commissioner only from funds allotted to that State pursuant to section 142(b) of the Act and available to the Commissioner under section 142(c) of the Act.

(20 U.S.C. 1302(a)-(c))

Subpart D—Curriculum Development Programs (Part I of the Act)

§ 103.31 Purpose.

The purpose of part I of the Act is to enable the Commissioner to provide appropriate assistance to State and local educational agencies in the development of curriculums for new and changing occupations, and to coordinate improvements in, and dissemination of, existing curriculum materials.

(20 U.S.C. 1391(a))

§ 103.32 Eligible programs and projects.

Funds available under section 191 of the Act may be used by the Commissioner to award grants and contracts to eligible applicants for programs and projects having the following purposes:

(a) To promote the development and dissemination of vocational education curriculum materials for use in teaching occupational subjects, including curriculums for new and changing occupational fields, and including those in public service;

(b) To develop standards for curriculum development in all occupational fields;

(c) To coordinate efforts of the States in the preparation of curriculum materials and to prepare current lists of curriculum materials available in all occupational fields;

(d) To survey curriculum materials produced by other agencies of Government, including the Department of Defense;

(e) To evaluate vocational-technical education curriculum materials and their uses; and

(f) To train personnel in curriculum development.

(20 U.S.C. 1391(c))

§ 103.33 Eligible applicants.

(a) The following categories of agencies or institutions are eligible for grants or contracts under this subpart:

(1) Colleges or universities;

(2) State boards; and

(3) Other public or private agencies or institutions, provided that no grant may

be made to other than a nonprofit agency or institution.

(b) Individuals are not eligible for such grants or contracts.

(20 U.S.C. 1391(c)(1))

APPENDIX A

EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION ADDITIONAL CRITERIA FOR FISCAL YEAR 1974

In the making of awards from funds available for the program (in addition to consideration of the criteria in 45 CFR 103.25 and 100a.26(b)) priority will be given to projects which include a strong guidance and counseling emphasis and which involve in one operational setting a coordinated set of activities designed to carry out all of the following purposes.

a. To increase the selfawareness of each student, to develop in each student favorable attitudes about the personal, social, and economic significance of work, and to assist each student in developing and practicing appropriate career decisionmaking skills.

b. To increase the career awareness of students at the elementary school level in terms of the broad range of options open to them in the world of work.

c. To provide, at the junior high or middle school level, career orientation and meaningful exploratory experiences for students.

d. To provide, at grade levels 10 through 14, job preparation in a wide variety of occupational areas, with special emphasis on innovative approaches to the provision of work experience and/or cooperative education opportunities for all students.

e. To insure the placement of all existing students in either:

(1) A job,

(2) a post-secondary occupational program, or

(3) a baccalaureate program.

(20 U.S.C. 1301, 1303(a))

Each project may be designed for a duration of up to three years, with the understanding that only the first 12 months of activity will be supported with fiscal year 1974 funds. Support for the proposed second and third years of each project will be dependent upon availability of appropriations and satisfactory progress in the implementation of the earlier stages of the project. Since comprehensive exemplary projects will require substantial financial resources, consideration should be given in the project design to the possible coordination with relevant programs supported from other sources.

(20 U.S.C. 1301, 1305)

APPENDIX B

RESEARCH PROJECTS IN VOCATIONAL EDUCATION ADDITIONAL CRITERIA FOR FISCAL YEAR 1974

In the making of awards from funds available for the program (in addition to consideration of the criteria in § 100a.26(b)) priority will be given to applications which rank high on the basis of such criteria and which propose projects in one or more of the priority areas described below. In addition, special consideration will be given to programs or projects of national, regional, or interstate significance in one or more of the priority areas described below. The results of these projects should improve and extend existing federally supported vocational education programs.

Curriculum Studies. Information is needed to undergird curriculum planning and curriculum development activities. Applied studies will be supported to produce information: (1) For developing individualized

and performance oriented curricula, including the state-of-the-art, effectiveness, cost, and cost-effectiveness information, (2) that identifies emerging occupations and explicates the curriculum and manpower needs for the area or areas, and (3) that identifies common core of basic skills for one or more occupational cluster areas.

Disadvantaged, Handicapped, and Minority. Information is needed to improve vocational education and vocational education opportunities for disadvantaged, handicapped, and minority populations. Applied studies will be supported to produce information that is designed for use by decision makers at the Federal, State, and local levels. These studies should produce information which will: (1) improve the utilization of existing vocational education resources for target populations, (2) improve the image of vocational education for target populations, and (3) provide a basis for improving access to the field or fields of employment for which individuals in a target group or groups have been trained.

Alternative Work Experience Programs. Information is needed to improve and extend work experience programs. Applied studies will be supported to produce information that: (1) identifies more creative work experience approaches with business, industry, and community and civic organizations, (2) provides a basis for improving student and employer satisfaction in work experience programs, (3) clarifies legal and other barriers to work experience programs, (4) provides a basis for establishing standards for work experience programs, and (5) identifies alternative work experience programs and describes actual or projected costs and cost-benefits of the programs.

Guidance, Counseling, Placement, and Student Followup Services. Comprehensive systems of guidance, counseling, placement, and followup services for students and adults need to be improved. Applied studies will be supported which produce information that:

(1) provides the basis for improving career planning for target populations selected by the applicant,

(2) provides the basis for improving student assessment capabilities, and

(3) determines the state-of-the-art, impact, cost, and cost-effectiveness information regarding components of comprehensive systems of guidance, counseling, placement, and student followup services.

In addition, several large scale efforts will be supported to develop components of comprehensive system of guidance, counseling, placement, and followup services for students and adults. These development efforts should focus on:

(1) developing procedures to utilize employment information,

(2) developing job placement and followup services for students, and

(3) producing in-service training materials designed to improve the skills of professionals and support personnel in utilizing employment information, and providing job placement and student followup services.

Manpower Information and System for Education. Job, manpower, labor market, and demographic data are required by public, private, and proprietary educational administrators, planners, evaluators, curriculum developers, career counselors, teachers, and students. Manpower information needs to be current and appropriately presented if vocational education programs are to be responsive to existing and projected employment opportunities. Applied studies will be supported to improve manpower, job, labor market, and demographic information relevant to the needs of Federal, State, and local educational administrators, plan-

ners, evaluators, and other user groups. These studies should produce information which will:

(1) Provide a basis for improving manpower projections for educational uses at the State and local levels,

(2) provide a basis for matching job requirements to the skills of prospective workers,

(3) provide a basis for improving the accuracy of manpower projections for jobs,

(4) translate manpower forecasts into program and specific curriculum requirements, and

(5) provide the basis for vocational education to interface with economic development groups and to assist in job development approaches.

In applying the above stated criteria the Commissioner will seek to provide assistance to programs or projects in all the above described areas.

(20 U.S.C. 1248(1), 1281(a), 1282, 1283)

[FR Doc.74-18749 Filed 8-14-74; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-814]

PART 1—PRACTICE AND PROCEDURE

Filing Fees for EPIRB Authorizations

In the matter of amendment of Part 1 of the rules concerning filing fees for emergency position indicating radiobeacon (EPIRB) authorizations and applications filed by the Civil Air Patrol.

1. On March 14, 1974, we released a Report and Order in Docket No. 19693 to regulate the use of the aeronautical service frequency 121.5 MHz and the frequency 243 MHz by emergency position indicating radio-beacons (EPIRB's). We intended to provide in that proceeding, but did not do so, that there be no application filing fees for authority to operate an emergency position indicating radiobeacon (EPIRB) station, as we had done last year in a similar rulemaking proceeding in Docket No. 19385 for the emergency locator transmitters (ELT's) that operate in the Aviation Services. We are hereby correcting that oversight and amending our rules to so provide.

2. Additionally, we have been requested, by the Civil Air Patrol (CAP), to waive our filing fee rule requirements pertaining to applications for ELT test stations. We believe that request has merit and should be granted, not by waiving the rules, but by amending the rules, as shown on the attached Appendix to provide that the Civil Air Patrol will not be required to pay filing fees for any stations it operates in the Safety and Special Radio Services. In adopting our first schedule of fees in 1963, we exempted the CAP from paying filing fees for its "Civil Air Patrol Stations," a specific class of aeronautical station, but not for other radio stations operated by the CAP. At that time we said, "We are persuaded that radio is used by the CAP to a substantial degree in connection with operations relating to the public safety and that the CAP should be

exempted from the fee requirement." (Docket No. 14507, FCC 63-856, 28 FR 10911, 10912, 1963). On that basis, and in view of the fact that the CAP is a civilian auxiliary of the United States Air Force, we are now extending the fee exemption to all stations licensed to the CAP, and § 1.1115(c) (8) of the rules is amended to so provide as set out below.

3. In view of the public safety aspects of the service provided by ELT test stations, we find that the public interest would be served by exempting such applications and that such change should be made forthwith. Accordingly, the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable.

4. In view of the foregoing, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *It is Ordered*, That effective August 14, 1974, Part 1 of the rules is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: July 31, 1974.

Released: August 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,

Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.1115(c) (8) and (9) is amended to read as follows:

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

* * *

(c) * * *

(8) Applications for Aeronautical Radionavigation Stations, Aeronautical Search and Rescue Stations, and any application filed by the Civil Air Patrol or its component units in the Safety and Special Radio Services.

(9) Applications for licenses for aircraft stations to operate with only an emergency locator transmitter (ELT); or an application for only an emergency position indicating radiobeacon (EPIRB) station; or an application for modification of a ship station license to include authority for operation of an EPIRB.

* * * [FR Doc.74-18765 Filed 8-14-74; 8:45 am]

[Docket 18261; FCC 74-783]

Land Mobile/UHF-TV Sharing Plan for Houston, Dallas-Fort Worth, and Miami; Fifth Report and Order

In the matter of amendment of Parts 2, 21, 89, 91, and 93 of the Commission's rules and regulations to extend land mobile/UHF-TV sharing, for channels 14-20, to Houston and Dallas/Ft. Worth, Texas and Miami, Florida.

1. On March 15, 1974 (39 FR 11109), the Commission issued a notice of proposed rulemaking proposing extension of the land mobile/UHF-TV sharing plan,

previously adopted in this proceeding, to the Houston and Dallas/Ft. Worth, Texas, and Miami, Florida metropolitan areas by making available a single UHF television channel in each city to accommodate land mobile communications needs.¹ The Commission's reason for selecting these particular urban areas was that land mobile growth in these cities has been particularly rapid, and they have a need for some immediate relief. Furthermore, the selected television channel is currently unused, a replacement channel exists, and land mobile radio service users can be given immediate access to the 470-512 MHz frequencies without the necessity of modifying any television station authorization and while continuing to provide full protection to all existing television facilities.²

2. Twenty-five comments and reply comments were received³ and, with the exception of the Association of Maximum Service Telecasters, Inc., (AMST) and the National Association of Broadcasters (NAB), all who commented supported our basic proposal.

3. AMST opposed the proposal, primarily because in AMST's views, there is no need for the Commission to take the proposed action. It argued, as it has done in previous phases of this proceeding,⁴ that there is no reliable evidence that short-term need exists for additional frequencies in the three areas under consideration, and that immediate relief can be provided to radio users in crowded channels by initiation of AMST's proposed monitoring program which would assess channel loading and permit the movement of users from crowded channels to under-used channels. MST further argued that adoption of our proposal would have an adverse effect on our spectrum management program in that it would allow "simplistic" solutions to the problem and thereby delay effective management. Arguments to the same effect were advanced by the National Association of Broadcasters (NAB), in its reply comments. NAB did not file comments originally.⁵

¹ The 470-476 MHz band in Miami (channel 14); the 482-488 MHz band in Dallas/Ft. Worth (channel 16); and the 488-494 MHz band in Houston (channel 17).

² Both operating facilities and authorized facilities which have not yet been constructed.

³ Appendix A—filed as part of the original document.

⁴ See First Report and Order, 23 FCC 2d. 325.

⁵ AMST argued extensively that there is sufficient room for growth on existing land mobile radio frequencies and, in its view, it is unnecessary for additional spectrum to be made available. AMST based its arguments, primarily, on its analysis of a Commission staff study on the utilization of presently allocated land mobile frequencies in the three urban areas here involved, and on a contractor's report on a limited monitoring project conducted in Chicago, Illinois, in connection with our spectrum management program there. We do not find AMST's arguments persuasive.

AMST assumed that the Commission based its proposal in this proceeding on the staff study, and directed the bulk of its comments towards this study. However, although the Commission did consider this study, it did not rely primarily on it. Prior to the issuance of the Notice, the Commission reviewed the latest information in its records, and collated this information with the records of the various frequency coordinating committees. Also, the Commission considered information submitted, at various times, by users and user representatives, and took into account the experience we have gained in processing ever-increasing numbers of applications in all land mobile radio services in these three areas. For these reasons, the Commission does not believe that it is necessary to address, in detail, AMST's objections to the staff study. Nevertheless, we do think it is appropriate to point out that, for the most part, we disagree with AMST's criticisms of this study.

First, while the staff's statistics on authorized mobile units in the Police Radio Service and the Fire Radio Service may be overstated due to the fact that in some cases the same mobile units may be repeated on the license when multiple frequencies are authorized to a licensee, this licensing practice is infrequent in all of the land mobile services except the Police and Fire Radio Services. Even reducing the Police and Fire mobile figures by 70 percent only leads to a total in-use mobile reduction of 8 percent. Therefore, AMST's assertions that the staff's figures on the number of mobile units should be reduced by as much as fifty percent across the board is plainly without basis.

Secondly, AMST's estimates are exaggerated with respect to portable mobile units because, as the comments filed in this proceeding point out, the use of such portables is clearly not as extensive as AMST indicated. Thus, the National Association of Business and Educational Radio, for example, in its comments, stated that portables in the Business Radio Service accounted for approximately two percent of total number of mobile units. Finally, on this point, the staff study did reduce the total count of mobile units by a sufficient percentage factor (35 percent for Industrial, 30 percent for Land Transportation, 20 percent for Public Safety) to allow for the difference between the number of units authorized and the number of units actually in use. AMST's assumption that this factor is insufficient and their suggestion that this figure should be further reduced by a factor of 25 percent is unsupported.

Thirdly, AMST's assertions as to the possibilities of geographic re-use of frequencies are also not well founded. Although, the Commission provides for reassigning frequencies in the 470-512 MHz band at distances of forty miles for reasons there obtaining, there is no such requirement in the remaining bands, and we need only point out that such separation in the lower bands is simply not reasonable. Furthermore, the overwhelming majority of the land mobile assignments are concentrated in or near the centers of these cities so that, contrary to AMST's assertion, geographic re-use where the frequencies are most needed is not feasible.

Fourthly, although a few land mobile frequencies were not taken into account in the projections in the staff study (because of rule-imposed restrictions), all other frequencies, including usable terrestrials in the 150-170 MHz band, were taken into account. AMST's assertion to the contrary is erroneous.

Lastly, AMST's reliance on the contractor's report on the monitoring project is unjustified.

That report was based on monitoring information obtained in Chicago which indicates that the signal occupancy on the frequencies monitored was low. While questions have been raised with respect to that report (see the comments of the Utilities Telecommunications Council and those of the Land Mobile Communications Council), the report is not at issue here. The monitoring information discussed therein may reflect the occupancy on the channels monitored at the time and place the monitoring was conducted. It is not reasonable for us to infer, as AMST would have us do, that the same situation exists in other urban areas and on frequencies with which we are here concerned.

4. Comments filed by land mobile user organizations strongly disagreed both with AMST's assessment of the need for additional frequencies in the areas we are concerned with here, and with AMST alternative proposals. They instead submitted information and arguments disputing not only AMST's specific assertions but also its overall conclusions. In brief, these comments pointed out the substantial usage now being made of the available frequencies and the almost universal need for additional spectrum to accommodate on-going growth in the immediate future.

5. We have considered the matter in the light of our objectives in this proceeding—namely, to provide without delay short-term frequency relief in these three areas—in light of the comments and information submitted therein, and in light of the information we have derived from our own records. We would observe, and indeed it was pointed out in a number of the comments, that AMST's arguments together with various approaches to the land mobile frequency problems it has suggested, were advanced and discussed at length by the Commission in previous phases of this proceeding. See *Land Mobile Sharing of Television Channels 14-20*, First Report and Order, 23 FCC 2d, 325 pp 327 and following. While, as we have indicated previously, we are not rejecting any useful suggestion looking towards improving our methods for managing the land mobile radio spectrum, it is clear that AMST's alternative proposal is impractical here. We simply cannot develop effective monitoring facilities and a program of the nature suggested by AMST and implement it within the time frame involved here, even assuming that we were convinced that implementation of AMST's suggested approach would, in fact, resolve the problem we have undertaken to deal with in this proceeding.

6. It is clear that the frequencies in a number of the land mobile radio services are extensively used. For example, NABER has submitted statistics based on its records showing that nearly all of the frequencies available in the Business Radio Service in the 450-470 MHz band are in use and, although the transmitter density may vary from channel to channel, average loading figures in most instances do exceed Commission guidelines. Thus, on the Business 450-470 MHz

frequencies, according to NABER's records, there are on the average, nearly 100 transmitter assignments per frequency in Dallas/Ft. Worth, over 100 in Miami, and over 150 in Houston. Even if these averages can be assumed to be somewhat overstated, as AMST suggests, the conclusion is inescapable that additional frequency resources should be made available to assure continued growth in this, one of our fastest growing services.

7. With some exceptions, extensive usage of frequencies and shortages exist in many other services, especially in the 150-160 and 450-470 MHz bands.⁶ The point is illustrated by the comments of the Police Department of the City of Fort Lauderdale:

We would point out that the portion of the spectrum dedicated for public safety (police) use in both the 155 MHz area and the 450-470 MHz area has been allocated in its totality. No additional frequencies are available for allocation to law enforcement agencies in South Florida. In fact, in order to implement Phase I of our Integrated Communications Systems (KTV 206), it was necessary for certain agencies to surrender licenses already assigned them. The present situation mitigates heavily against effective future planning of law enforcement communications to accommodate the rapid and continued population and economic growth.

8. Substantially the same situation exists with respect to police and other public safety frequencies in the Houston and Dallas/Ft. Worth urban areas, and to a varying degree in other radio services.⁷

9. In sum, it appears to us that although some of the expected growth can be accommodated on the existing land mobile frequencies, and, as the comments pointed out, part of the needs will be accommodated on those frequencies. However, there are substantial, and in

many cases urgent, requirements for additional frequency relief in all three areas—Miami, Houston and Dallas/Ft. Worth. It should also be noted that additional frequency resources can be made available in these three areas, without any adverse effect on any authorized broadcast facility, constructed or planned, and in all communities from which the unassigned television channels are to be withdrawn, replacement channels either are or can be made available, if the need arises. Thus, our proposal will have minimal, if any, impact on television broadcasting. Accordingly, we conclude that public interest will be served by adopting our proposal to make available Channel 14, in Miami, Channel 17 in Houston, and Channel 16 in Dallas/Ft. Worth for land mobile use under the sharing criteria already established.

10. Turning to another matter, we proposed in our Notice to make the frequencies available to all eligible land mobile radio services in a single pool, except for the Domestic Public Land Mobile Radio Service for which specific frequencies were proposed. The Comments from most land mobile user organizations opposed this approach arguing mainly that some suballocation was necessary. While we appreciate the potential problems involved in the assignment of frequencies out of a large pool, especially without specific assignment and sharing criteria, we do not feel that suballocation is necessary and appropriate here. As we have indicated, our objective is to provide frequencies to accommodate immediate requirements. These requirements vary among the various services, and in each of the three urban areas, so that matching a suballocation with particular requirements is not practical under the circumstances, especially in light of our previous experience with more detailed suballocation of frequencies in this band in other urban areas.⁸

11. We, therefore, believe that the best approach would be for us to retain flexibility to be able to meet user requirements as they arise. However, to facilitate the assignment process, to retain the present frequency selection mechanism and to militate against sharing of the same frequency by possibly incompatible users, we have developed an assignment plan which we believe will provide the needed flexibility and, at the same time meet the basic objections raised in the comments. Under this plan, frequencies will be assigned in a systematic manner beginning with a specific frequency. Thus, for example, in the Houston urbanized area applicants in the Petroleum, Forest Products or Manufacturers Radio Services will first be assigned the frequency 488.3125, then 488.3375, and so on in ascending order.

⁸ Fourth Report and Order, Docket 18261, 43 FCC 2d 949 (1973). Changes in the suballocation for New York and Washington urbanized areas became necessary because of the rapid growth of Public Safety and Business Radio Services in the two cities, emphasizing the need for a new method of frequency allocation.

Public Safety applicants will first be assigned the frequency 488.7125, then 488.6875 or 488.7375 and so on in sequence. In this example, Public Safety applicants may select, in sequence, frequencies in ascending or descending order from the first assignable frequency. Applicants in the Petroleum Radio Service, on the other hand, may only select frequencies in ascending order because of the position of their first frequency. An illustration of the assignment plan is shown in Appendix B.⁹

12. This method is designed to allow sharing of the same frequencies by persons who are members of categories, or pools, already established in this proceeding. Thus, once a frequency is assigned to a public safety licensee, it will not be assigned to a petroleum, forest product, or manufacturer licensee in the same urbanized area. To avoid potential problems of over reaching, frequencies will be assigned in sequence and a showing of substantial loading on assigned frequencies will be required before the next frequency will be assigned. We assume that existing coordinating committees operating in these areas will undertake a significant role in recommending frequencies to the applicants in their respective services and in providing information to the applicants for making the necessary showing. Furthermore, in addition to showings of channel loading, the Commission, in reaching a decision on the assignment of an additional channel, will also consider such factors as system and user compability and other relevant factors. Lastly, since all of the frequencies are to be available in all eligible radio services, the frequencies in which the first assignments are to be made do not necessarily set out the boundaries for frequency availability in a particular radio service. A new starting frequency may be assigned by the staff for any of the various groups when the frequencies available to it in sequence are exhausted. Also, should any group fail to use its first assigned frequency, that base line may be moved.

13. In making a frequency assignment, the Commission will consider whether it is to be shared by a number of licensees in commonly used facilities, such as the so-called community repeaters which are common in the Business Radio Service. Therefore, applicants proposing such operation should make this fact known and should also identify any other licenses previously authorized to use the same facility.

14. The proposal to establish a standard height of average terrain for each of the three urbanized areas seems, on the surface, to have much to recommend it. With respect to the Miami, Florida, area, for example, the case is persuasive indeed, since the entire area is no more than ten feet above sea level (ASL) and that is the height of average terrain we will hereby adopt for Miami. Such a case cannot be made, however, for Dallas/Ft. Worth, since the area varies from less

⁹ Appendix B filed as part of the original document.

⁶ There may be a number of frequencies in the 25-50 MHz band which could be assignable in the various radio services in all three urban areas. While undoubtedly, some use can be made of these frequencies, and possibilities for doing so will be explored, their propagation characteristics limit their usefulness for many operations and the possibilities for geographic reuse.

⁷ For example, UTC in its comments, states that little, if any, room exists in the 150 and 450 MHz Power Radio Service frequencies to accommodate planned system expansions or conversion of radio systems from the 30-50 MHz to more reliable 150-160 or 450-470 MHz frequencies. API represents that the petroleum industry has an urgent need for additional frequencies in the Houston area, a somewhat less pressing requirement in Dallas/Ft. Worth, and, because of limited petroleum activities in Miami, no pressing problems there. The Special Industrial Radio Service Association points out that all frequencies allocated in the Special Industrial Radio Service (one of our larger and faster growing services) in the 150-160 and 450-470 MHz bands, and all but one in the 30-50 MHz band are assigned in Houston. In Dallas/Ft. Worth, and Miami, particularly all 150 and 450 frequencies are in use, although some low band frequencies are available in the latter two areas. All 150 and 450 frequencies in the Business Radio Service are assigned in all three areas.

than 400 feet ASL in downtown Dallas, to over a thousand feet ASL 50 miles to the west. We do not believe that an average value of 750 feet would satisfy anyone, since it would be over 300 feet on the conservative side within the city of Dallas and in the western most reaches of the 50-mile circle, would be too liberal by an equal amount. With respect to the Houston area, we are also reluctant to accede to the wishes of those in favor of a standard terrain altitude, since the terrain rises slowly from Galveston where it averages less than ten feet ASL, to the western suburbs of Houston where the elevation approaches 100 feet. Still farther west, and north near the periphery of the 50-mile circle, the elevation is up to 250 feet ASL. Consequently, while we are designating a height of average terrain for Miami of ten feet ASL, we will not do so for Houston and Dallas where the technical standards imposed in the Second Report and Order will stay in effect.

15. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules to extend the land mobile/UHF-TV sharing plan for channels 14-20 to Houston and Dallas/Ft. Worth, Texas and Miami, Florida.

16. Accordingly, it is ordered, That pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended, that Parts 2, 21, 89, 91, and 93 of the Commission's rules are amended effective September 20, 1974, as set forth in the attached Appendix C.

17. The purpose of this proceeding is to accommodate immediate requirements in the areas where we determined such a need exists. We have also stated (See, Land Mobile Use of TV Channels 14 through 20, First Report and Order, 23 FCC 2d 325, pp. 338-339.) that the long-term land mobile communications growth is expected to develop in the substantial new spectrum we have allocated between 806 and 947 MHz (Docket 18262). Assuming no undue delay in that proceeding, we do not anticipate further extension of the land mobile/UHF-TV sharing plan. Accordingly, there is no need to continue to keep this docket open for this purpose. For these reasons, it is further ordered, That, except for disposing of the pending petitions for reconsideration directed to the Commission's Second Report and Order,⁹ this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: July 17, 1974.

Released: August 12, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,¹⁰

[SEAL] VINCENT J. MULLINS,
Secretary.

⁹ The pending petitions relate to the policies for assigning frequencies made available in this proceeding to the Domestic Public Land Mobile Radio Services.

¹⁰ Commissioner Lee dissenting and issuing a statement filed as part of the original document, Commissioners Hook and Washburn concurred in the result.

APPENDIX C

Parts 2, 21, 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, in the list of footnotes following the table, footnote NG 66 is amended to read as follows:

§ 2.106 Table of Frequency Allocations.

NG66 The frequency band 470-512 MHz is allocated for use in the Broadcasting and Land Mobile Radio Services. In the Land Mobile Services it is available for assignment in the Domestic Public, Public Safety, Industrial, and Land Transportation Radio Services at, or in the vicinity of 13 urbanized areas of the United States, as set forth in the table below, and subject to the standards and conditions set forth in Parts 21, 89, 91, and 93 of this chapter.

Urbanized area	TV channel
New York-Northeastern New Jersey	14, 15
Los Angeles	14, 20
Chicago-Northwestern Indiana	(1)
Philadelphia, Pa.-New Jersey	(1)
Detroit, Mich.	15, 16
San Francisco-Oakland, Calif.	16, 17
Boston, Mass.	14, 16
Washington, D.C.-Maryland-Virginia	17, 18
Pittsburgh, Pa.	14, 18
Cleveland, Ohio	14, 15
Miami, Fla.	14
Houston, Tex.	17
Dallas, Tex.	16

¹ The specific channel availability will be designated following the conclusion of a separate proceeding.

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

2. In § 21.501(1), Table A is amended by the addition

§ 21.501 Frequencies.

TABLE A.—Frequency availability for land mobile use

Urbanized area	Geographic center		Frequencies (MHz)
	N. Latitude	W. Longitude	
Miami, Fla.	25°46'37"	80°11'32"	Channel 14 470-476.
Houston, Tex.	29°45'26"	95°21'37"	Channel 17 488-494.
Dallas, Tex.	32°47'09"	96°47'37"	Channel 16 482-488.

PART 89—PUBLIC SAFETY RADIO SERVICES

3. Section 89.60(a)(2) is amended by the addition of three cities to the list of urbanized areas as follows:

§ 89.60 Use of FCC Form 425.

- (a) * * *
- (2) * * *
10. Miami, Fla.
11. Houston, Tex.
12. Dallas, Tex.

4. Section 89.123, Frequencies in the band 470-512 MHz, is amended by the

addition of three cities in alphabetical order in Table G, a new subparagraph (a)(8), and new paragraphs (g) and (h).

§ 89.123 Frequencies in the band 470-512 MHz.

(8) Applicants for base stations in the Miami, Florida urbanized area may, in lieu of calculating the height of average terrain, use ten feet as average terrain height.

(b) * * *

TABLE G.—Frequency availability for land mobile use

Urbanized area	Geographic center		Frequencies (MHz)
	N. Latitude	W. Longitude	
Miami, Fla.	25°46'37"	80°11'32"	Channel 14 470-476.
Houston, Tex.	29°45'26"	95°21'37"	Channel 17 488-494.
Dallas, Tex.	32°47'09"	96°47'37"	Channel 16 482-488.
* * * * *			
(g) Frequencies available for assignment in the Miami, Florida, Dallas, Texas, and Houston, Texas urbanized areas are:			
Channel 14 (Miami)	Channel 16 (Dallas)	Channel 17 (Houston)	
470.3125	482.3125	488.3125	
to	to	to	
475.9875	487.9875	493.9875	

(h) Base station frequencies will be assigned serially beginning at 470.7125 MHz for Miami, 482.7125 MHz for Dallas, and at 488.7125 MHz for Houston and progressing a channel at a time upward and downward from those points. Mobile station frequencies are 3 MHz higher than the corresponding base station frequencies. Normally, each channel shall be substantially filled before the next channel will be assigned.

PART 91—INDUSTRIAL RADIO SERVICES

5. Section 91.57(a)(2) is amended by the addition of three cities to the list of urbanized areas as follows:

§ 91.57 Use of FCC Form 425.

- (a) * * *
- (2) * * *
10. Miami, Fla.
11. Houston, Tex.
12. Dallas, Tex.

6. Section 91.114, Frequencies in the band 470-512 MHz, is amended by the addition of three cities in alphabetical order, in Table G, a new subparagraph (a)(8), and new paragraphs (j) and (k).

§ 91.114 Frequencies in the band 470-512 MHz.

(a) * * *

(8) Applicants for base stations in the Miami, Florida urbanized area may, in lieu of calculating the height of average terrain, use ten feet as average terrain height.

(b) * * *

TABLE G.—Frequency availability for land mobile use

Urbanized area	Geographic center		Frequencies (MHz)
	N. Latitude	W. Longitude	
Miami, Fla.....	25°46'37"	80°11'32"	Channel 14 470-476.
Houston, Tex....	29°45'28"	95°21'37"	Channel 17 488-494.
Dallas, Tex.....	32°47'09"	96°47'37"	Channel 16 482-488.

(j) Frequencies available for assignment in the Miami, Florida, Dallas, Texas, and Houston, Texas urbanized areas are:

Channel 14 (Miami)	Channel 16 (Dallas)	Channel 17 (Houston)
470.3125 to 475.9875	482.3125 to 487.9875	488.3125 to 493.9875

(k)(1) Base station frequencies for the Petroleum, Forest Products, and Manufacturers Radio Services will be assigned serially beginning at 470.3125 for Miami, 482.3125 MHz for Dallas, and 488.3125 MHz for Houston and progressing upward from those points a channel at a time. Mobile station frequencies are 3 MHz higher than the corresponding base station frequencies. Normally, each channel shall be substantially filled before the next channel will be assigned.

(2) Base station frequencies for the Special Industrial Radio Service will be assigned serially beginning at 471.4375 MHz for Miami, 483.4375 MHz for Dallas, and 489.4375 MHz for Houston and progressing a channel at a time upward and downward from those points. Mobile station frequencies are 3 MHz higher than the corresponding base station frequencies. Normally, each channel shall be substantially filled before the next channel will be assigned.

(3) Base station frequencies for the Business Radio Service will be assigned serially beginning at 472.3625 MHz for Miami, 484.3625 MHz for Dallas, and 498.3625 MHz for Houston and progressing a channel at a time upward and downward from those points. Mobile station frequencies are 3 MHz higher than the corresponding base station frequencies. Normally, each channel shall be substantially filled before the next channel will be assigned.

(4) Base station frequencies for the Power and Telephone Maintenance Radio Services will be assigned serially beginning at 471.2625 MHz for Miami, 483.2625 MHz for Dallas, and 489.2625 MHz for Houston and progressing a channel at a time upward and downward from those points. Mobile station frequencies are 3 MHz higher than the corresponding base station frequencies. Normally, each channel shall be substantially filled before the next channel will be assigned.

PART 93—LAND TRANSPORTATION RADIO SERVICES

7. Section 93.57(a)(2) is amended by the addition of the three cities listed below:

§ 93.57 Use of FCC Form 425.

(a) * * *

(2) * * *

10. Miami, Fla.

11. Houston, Tex.

12. Dallas, Tex.

8. Section 93.114, Frequencies in the band 470-512 MHz, is amended by the addition of three cities in alphabetical order in Table G, a new subparagraph (a) (8), and new paragraphs (h) and (i).

§ 93.114 Frequencies in the band 470-512 MHz.

(a) * * *

(8) Applicants for base stations in the Miami, Florida urbanized area may, in lieu of calculating the height of average terrain, use ten feet as average terrain height.

(b) * * *

TABLE G.—Frequency availability for land mobile use

Urbanized area	Geographic center		Frequencies (MHz)
	N. Latitude	W. Longitude	
Miami, Fla.....	25°46'37"	80°11'32"	Channel 14 470-476.
Houston, Tex....	29°45'28"	95°21'37"	Channel 17 488-494.
Dallas, Tex.....	32°47'09"	96°47'37"	Channel 16 482-488.

(h) Frequencies available for assignment in the Miami, Florida, Dallas, Texas, and Houston, Texas urbanized areas are:

Channel 14 (Miami)	Channel 16 (Dallas)	Channel 17 (Houston)
470.3125 to 475.9875	482.3125 to 487.9875	488.3125 to 493.9875

(i)(1) Base station frequencies for the Railroad, Motor Carrier, and Automobile Emergency Radio Services will be assigned serially beginning at 471.7825 MHz for Miami, 483.7825 MHz for Dallas, and 489.7825 MHz for Houston and progressing upward and downward from those points a channel at a time. Mobile station frequencies are 3 MHz higher than the corresponding base station frequencies. Normally, each channel shall be substantially filled before the next channel will be assigned.

(2) Base station frequencies for the Taxicab Radio Service will be assigned serially beginning at 472.9875 MHz for Miami, 484.9875 MHz for Dallas, and 490.9875 MHz for Houston and progressing a channel at a time downward from those points. Mobile station frequencies are 3 MHz higher than the corresponding base station frequencies. Normally, each channel shall be substantially filled before the next channel will be assigned.

[FR Doc.74-18764 Filed 8-14-74; 8:45 am]

PART 13—COMMERCIAL RADIO OPERATORS

Miscellaneous Amendments to Chapter

Correction

In FR Doc. 74-16362, on page 26157, in the issue of Wednesday, July 17, 1974, change amending paragraph "12" to read as follows:

12. Section 13.26 is amended by revising the second sentence to read as follows:

"Similarly, if the holder of a restricted operator permit qualifies for any other class or type of license or permit, the Restricted Radiotelephone Operator Permit will be cancelled upon issuance of the new authorization, except as provided in § 13.3(b)".

[Docket No. 18920; FCC 74-657]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Point-to-Point Microwave Radio Service Applications; Policies and Procedures

Correction

In FR Doc. 74-15731, appearing at page 25490 in the issue of Thursday, July 11, 1974, make the following changes.

1. In § 21.701 (a), second column, page 25494, change the entry "2,100-2,130 MHz" to read "2,110-2,130 MHz".

2. In § 21.711, first column, page 25494, change the second line of the introductory text reading "band 38,000-40,000 MHz" to read "band 38,600-40,000 MHz".

3. In § 21.801 (d), third column, page 25495, in footnote 6, change "10.95-11.2" to read "10.95-11.2".

[Docket No. 19576, etc.; FCC 74-707]

PART 89—PUBLIC SAFETY RADIO SERVICES

Medical Communications Services

Correction

In FR Doc. 74-16011 appearing at page 26116 in the issue of Tuesday, July 16, 1974, make the following change.

In § 89.525(f)(2) at page 26125, change the entry in the sixth line from "564.550" to "465.550."

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-11, Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Exterior Protection Systems

The purpose of this notice is to amend Standard No. 215, *Exterior Protection* to regulate the performance of pressure vessels used in exterior protection systems.

In a notice published September 1, 1972 (37 FR 17858), it was proposed that

pressure vessels be required to absorb impact energy by the accumulation of air or hydraulic pressure to withstand the specified test impacts without releasing pressure to the atmosphere. The objective of this proposal was twofold: to insure consistency in the regulation of pressure devices on motor vehicles by preempting State and local regulations, and to establish a criterion that would represent a safe level of performance for such devices.

The National Committee on Uniform Traffic Laws and Ordinances disagreed with what it saw to be a policy of regulation for the purpose of preempting State laws and regulations. Although the NHTSA is of the opinion that regulation for the purpose of preemption is sometimes necessary, the necessitating circumstances do not often arise. In the present case, however, it appeared the development of pressure vessels to meet Standard No. 215 was inhibited by the existence of State and local regulations, most of which had been adopted for other purposes and only incidentally affected vehicles. It further appeared that the test procedures of the standard afforded a good means of testing the safety of the devices and that the preemption of State and local regulations would therefore not lower the level of public safety. Under these circumstances preemption is considered appropriate.

The principal objection to the proposal was that it required a higher level of performance than necessary to accomplish the intended safety goal of protecting bystanders from injury. It was pointed out in the comments that the proposed prohibition against pressure loss could be construed to bar the release of pressure by safety release valves or by other means that do not present a hazard. In addition, Rolls Royce noted that in situations where pressure vessels are relied upon as an aspect of a vehicle's exterior protection system, any substantial pressure loss would result in a failure to satisfy the damage criteria specified for the multiple test impacts. The NHTSA finds merit in these observations and has concluded that regulation of pressure vessels should be limited to the type of destructive failure that could endanger bystanders. It has been determined that the desired degree of safety can be achieved by preventing loss of pressure during testing when it is accompanied by separation of fragments from the vessel, since it is these fragments that pose the potential safety hazard.

The proposed amendment has been altered in another, less significant, respect by adding the phrase "in an exterior protection system" as part of the description of the device regulated by the section. Several comments expressed concern that shock absorbers could have been included within the proposed description. The quoted phrase has been added to make it clear that shock absorbers and similar devices are not regulated by the pressure vessel performance criteria. A further suggestion concerning the substitution of the term

"pressure vessel" for "device" has also been adopted.

Section S5.2 is amended to reflect the addition of the new requirement in S5.3.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 215, *Exterior Protection* (49 CFR 571.215), is amended as follows:

S5.2 is amended and a new S5.3.7 is added to read:

* * * * *

§ 571.215 Standard No. 215; *Exterior protection*. (With amendments effective Sept. 1, 1974 and Sept. 1, 1975)

S5.2 *Vehicles manufactured on or after September 1, 1973*. Except as provided in S5.2.1 and S5.2.2 each vehicle manufactured on or after September 1, 1973, shall meet the protective criteria of S5.3.1 through S5.3.7 during and after impacts by a pendulum-type test device in accordance with the procedures of S7.1 and S7.2 followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward at 5 mph and while traveling longitudinally rearward at 5 mph under the conditions of S6.

* * * * *

S5.3.7 A pressure vessel used to absorb impact energy in an exterior protection system by the accumulation of gas pressure or hydraulic pressure shall not suffer loss of gas or fluid accompanied by separation of fragments from the vessel.

* * * * *

Effective date: March 1, 1975.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on August 7, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc. 74-18752 Filed 8-14-74; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on September 1, 1974.

§ 32.22 *Special regulations; upland game; for individual refuge areas.*

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of gray squirrels, foxes, raccoons, and opossums is permitted only on the areas designated by signs and/or delineated on maps which are available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Hunting shall be by permit only. Permits may be obtained from the Refuge Manager under prescribed conditions.

(2) Foxes may be hunted with dogs, but without guns, during the period October 1, 1974 through February 15, 1975, under conditions set forth in permits obtainable from the Refuge Manager.

(3) Gray squirrels and rabbits may be hunted October 15–19, 1974.

(4) Raccoons and opossums may be hunted February 10–15, 1975.

(5) Rabbits may be hunted February 18–22, 1975.

(6) Shotguns, .22 rimfire rifles, non-powder burning rifles and bows and arrows may be used for squirrel hunting, but .22 rimfire rifles may not be used for other species listed. Raccoon and opossum hunting is limited to use of shotguns only. Not larger than no. 6 shot may be used for squirrel and rabbit hunting, nor larger than no. 8 for raccoon and opossum hunting, and it shall be illegal to bring larger shot sizes onto the refuge during these hunts.

(7) Legal hours for entering upon and hunting on the refuge for raccoons and opossums shall be 7 p.m. to 6 a.m. inclusive; for rabbits 8 a.m. to 5 p.m. inclusive; and for squirrels all daylight hours.

(8) No hunting is allowed within 100 yards of buildings on the refuge boundary. No hunting is permitted within the Triana Recreation Area. On the south side of the Tennessee River and west of Interstate 65, squirrels and rabbits only may be hunted, but only with bows and arrows or non-powder burning rifles.

(9) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 22, 1975.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels by permit on the Catahoula National Wildlife Refuge is permitted on the timbered portions of the refuge. Free permits may be obtained at Refuge Headquarters or by writing the Refuge Manager, Catahoula National Wildlife Refuge, P.O. Drawer LL, Jena, Louisiana 71342. Hunting shall be in accordance with State regulations governing the hunting of squirrels except that the season extends from October 5–20, 1974. Hunters may enter the area 30 minutes prior to legal shooting time (30 minutes before sunrise) and must be out of the refuge 30 minutes after legal shooting hours (30 minutes after sunset). Unmarked feral hogs may be taken by squirrel hunters.

No vehicles with tires larger than 9.00 x 16" can be used on the refuge. All vehicles must remain on established roads and trails. Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 20, 1974.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of squirrels, raccoons, and opossums on the Yazoo National Wildlife Refuge, Mississippi, is permitted only in the areas designated by signs as open to hunting. These areas, comprising about 10,500 acres, are delineated on a map available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, raccoons and opossums subject to the following special conditions:

(1) Squirrels may be hunted September 28 through October 5, 1974. Sundays excluded. Raccoons and opossums may be hunted November 30 through December 14, 1974. Sundays excluded.

(2) Squirrels may be hunted one-half hour before official sunrise to official sunset. Raccoons and opossums may be hunted from sunset to 12 midnight.

(3) No dogs permitted during the squirrel hunt; however, dogs may be used in the taking of raccoons and opossums.

(4) Bag limits: Squirrels—8 per day; Raccoons and opossums—no limit.

(5) Weapons: Shotguns, 10-gauge or smaller, and .22 caliber rimfire rifles only (.22 magnum rifles prohibited.) Shotguns must be plugged according to State regulations.

(6) One-day free permits are required. All hunters must check in and check out at refuge office.

(7) Carrying of loaded firearms in vehicles prohibited. Shooting or spotlighting from vehicles on any paved roads is prohibited. No firearms may be dis-

charged within 250 yards of refuge headquarters or residences.

(8) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1974.

ROBERT T. WEBER,
Acting Regional Director.

AUGUST 8, 1974.

[FR Doc.74-18798 Filed 8-14-74; 8:45 am]

PART 32—HUNTING

Valentine National Wildlife Refuge,
Nebraska

The following special regulation is issued and is effective on August 15, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Wildlife Refuge, Nebraska, shall be permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, Valentine, Nebraska 69201, and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants, subject to the following special conditions:

(1) The refuge will be open to prairie grouse during the regular State prairie grouse season. The open area shall include 40,765 acres or 57 percent of the refuge.

(2) The open season for hunting pheasants on the refuge will be the same as the regular State pheasant season. The open areas shall include 70,085 acres or

98 percent of the refuge. If the State pheasant and prairie grouse season run concurrently at any time pheasant hunting will be prohibited east of Highway 83 until the grouse season closes.

The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1974-75 pheasant and prairie grouse hunting season.

ROBERT E. NAGEL,
Acting Refuge Manager, Fort
Niobrara, Valentine Complex,
Valentine, Nebraska.

AUGUST 5, 1974.

[FR Doc.74-18797 Filed 8-14-74; 8:45 am]

PART 32—HUNTING

Special Regulation

The following special regulation is issued and is effective August 15, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebraska, and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Hunting shall be in accordance with all applicable state regulations governing the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT E. NAGEL,
Acting Refuge Manager, Fort
Niobrara-Valentine Complex,
Valentine, Nebraska.

AUGUST 5, 1974.

[FR Doc.74-18814 Filed 8-14-74; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 233]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Proposed Revision and Rates

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 (1970 ed.), section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210-211), it is proposed to amend 25 CFR Part 233 as set forth below. The primary purpose of this amendment is to provide additional power revenue to meet the increased cost of power purchased from the U.S. Bureau of Reclamation and other sources, and to meet the increased cost of operating and maintaining the power system of the San Carlos Indian Irrigation Project, Arizona. It is proposed to accomplish this by increasing the power rates for customers under Rate Schedules No. 1, 2, 3, and 5. It is also proposed to revise certain other sections of the regulations to make them compatible with prevailing practices, as follows:

Eliminate the subheading "Interim Regulations and Rates" under the heading of Part 233.

- Sec.
- 233.1 Eliminate reference to Part 231.
 - 233.5 Eliminate provisions for allowing property owners exemption from posting deposit.
 - 233.6 Change extension policy so that length of extension at Government expense is not tied to amount of monthly minimum.
 - 233.7 Eliminate provision for repaying customer for construction costs.
 - 233.9 Raise requirement for 3-phase service from 5 HP motor to 7½ HP and eliminate requirement for written approval for other than 115 or 230 volt single phase service.
 - 233.10 Lower the minimum meter height requirement for underground service.
 - 233.21 Change date of delinquency to 10 days after date of issue of arrears, and increase in reconnection charge to \$10.00.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Commissioner of Indian Affairs, Washington, D.C. 20245, on or before September 16, 1974.

Part 233 is amended to read as follows:

PART 233—SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

- Sec.
- 233.1 Effective date; changes.
 - 233.2 Authority of Project Engineer.
 - 233.3 Disputes.
 - 233.4 Applications; contracts.
 - 233.5 Deposits.
 - 233.6 Extensions.
 - 233.7 Installation or extension financed by consumer.
 - 233.8 Temporary service.
 - 233.9 Type of service.
 - 233.10 Service connections.
 - 233.11 Connection methods.
 - 233.12 Multiple meter installations.
 - 233.13 Consumer responsibility.
 - 233.14 Change of equipment.
 - 233.15 Apparatus detrimental to service.
 - 233.16 Motor starting equipment.
 - 233.17 Service discontinued.
 - 233.18 Bills for service.
 - 233.19 Special bills.
 - 233.20 Connect, reconnect, and accounting charges.
 - 233.21 Delinquent bills.
 - 233.22 Discontinuance by consumer.
 - 233.23 Fraud; tampering.
 - 233.24 Compensation of employees.
 - 233.25 Hardship cases.
 - 233.26 Interruptions to service.
 - 233.27 Contingent upon appropriations.
 - 233.51 Rate Schedule No. 1—Residential rate.
 - 233.52 Rate Schedule No. 2—General rate.
 - 233.53 Rate Schedule No. 3—Irrigation and commercial pumping rate.
 - 233.54 Rate Schedule No. 4—Street and area lighting.
 - 233.55 Rate Schedule No. 5—Commercial rate.

AUTHORITY: Sec. 5, 43 Stat. 476; 45 Stat. 210, 211; 5 U.S.C. 301.

§ 233.1 Effective date; changes.

The regulations in this part are approved for the conduct of the electric power system of the San Carlos Project, Arizona, referred to in this part as the Project. The regulations in this part shall become effective with the first billings made after the first day of the second calendar month which begins after the date of publication in the FEDERAL REGISTER. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 233.2 Authority of Project Engineer.

The Project Engineer is responsible for the operation of the electric power system and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the Power Manager or other Project employees designated by him.

§ 233.3 Disputes.

Any aggrieved party may file with the Project Engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the Project Engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases in which the question of the existence of dangerous conditions on the premises of the consumer is involved: *Provided*, The consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of the bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 233.4 Applications; contracts.

In order to contract for the delivery of power, a written application for service under this part accompanied by the required cash deposit and guarantee of the required minimum revenues to the Project, shall be filed with the Project Engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in contracting for service, the Project Engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The Project Engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 233.5 Deposits.

A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than \$30.00 will be required from each applicant. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of

not less than one year, and must otherwise establish his credit and satisfy the Project Engineer of his intention to take service and his ability to meet the guarantee.

§ 233.6 Extensions.

(a) The length of an extension constructed at the expense of the Project shall not exceed the following:

In urban areas:	Feet
Single phase extensions.....	100
Three phase extensions.....	80
In rural areas:	
Single phase extensions.....	330
Three phase extensions.....	210

(b) The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive of the service drops. Insofar as practicable, all extensions shall be constructed along established highways. The prospective consumer, or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the Project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available.

§ 233.7 Installation or extension financed by consumer.

If funds, material or labor are not otherwise available for an installation or extension, or if an extension to a prospective consumer will require new construction beyond the distances specified in § 233.6, the consumer or prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed installation or extension, or deposit funds estimated to be sufficient to pay for the construction. Such installations or extensions shall be built in accordance with suitable plans and specifications approved by the Project Engineer. All extensions when constructed shall be and remain the property of the United States.

§ 233.8 Temporary service.

Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the Project Engineer a sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electrical service: *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit, in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the Project Engineer.

§ 233.9 Type of service.

Service for lights and the usual domestic and other appliances, including motors of less than seven and one-half horsepower shall be single phase, nominally 115 or 230 volts and two or three wire, except when special approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of seven and one-half horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be sixty cycle.

§ 233.10 Service connections.

On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter will be furnished by the United States. The meter socket will be furnished and installed by the consumer and in a suitable location, preferably on the outside of the building, or service pole, where the meter will be accessible to the meter reader at all times. Except for underground service installations, the meter socket shall not be more than 7 feet nor less than 5 feet above the ground or floor. For underground service installations, the meter shall be mounted a minimum of 3 feet above the ground or floor. The entire service installation must be satisfactory to the project engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the project engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 233.11 Connection methods.

Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such an underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed by the Project Engineer. No connection from the circuits of the Electrical Power System to a consumer's service entrance shall be made except by the Project or its agents.

§ 233.12 Multiple meter installations.

In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with

which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 233.13 Consumer responsibility.

The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the Project. The consumer shall be responsible for conforming to the regulations of the National Board of Fire Underwriters and to any other regulations applicable to his installation.

§ 233.14 Change of equipment.

In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the Project Engineer.

§ 233.15 Apparatus detrimental to service.

The Project Engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 233.16 Motor starting equipment.

Motors having a rated capacity of three horsepower or more shall be provided with such starting and overload equipment as may be required by the Project Engineer.

§ 233.17 Service discontinued.

The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Electric Power System after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 233.18 Bills for service.

Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order, payable to the order of the Treasurer of the United States, and mailed to the designated office of the Project.

§ 233.19 Special bills.

Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing services are due on presentation.

§ 233.20 Connect, reconnect, and accounting charges.

A nonrefundable service establishment fee of \$7.50 will be charged each time the Project is requested to establish or reestablish electric service to the customer's delivery point. The charge will be included in and rendered with the first month's bill for electricity after

connection or reconnection service. An accounting charge of \$5 will be made when a check is returned unpaid by a bank because of insufficient funds or other reasons. This charge will be in addition to any other applicable charges and will appear on the next month's bill for electricity.

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the tenth day following the date of issue of a bill showing arrears. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of \$10.00 and has made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 233.22 Discontinuance by consumer.

Notice of his desire to have service disconnected shall be given by the consumer at least two days in advance. In the absence of such notice the consumer will be held liable for payment of all electrical energy furnished to such vacated premises until service is discontinued. Final bills may be paid by application of the consumer's guarantee deposit to the extent that they are covered thereby. Any surplus remaining in the deposit will be returned to the consumer after the contract is terminated. Where the deposit is insufficient, the consumer will be billed for the difference which shall be immediately due and payable.

§ 233.23 Fraud; tampering.

Service shall be discontinued to any consumer, or to any premises at any time when, in the opinion of the Project Engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the Project is prohibited and is subject to prosecution pursuant to law.

§ 233.24 Compensation of employees.

All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of rendition of services.

§ 233.25 Hardship cases.

The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer, but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the Project Engineer of the reason for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the Project Engineer.

§ 233.26 Interruptions to service.

The United States will furnish energy continuously so far as reasonable diligence will permit. But the United States,

its officers, agents or employees, assume no liability for damages due to interruptions of service to the consumer.

§ 233.27 Contingent upon appropriations.

All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

§ 233.51 Rate Schedule No. 1—Residential rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service for residences and small, noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) Four dollars, which includes the use of 50 kilowatt hours.

(2) 4 cents per kilowatt hour for the next 100 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 100 kilowatt hours.

(4) 2 cents per kilowatt hour for the next 250 kilowatt hours.

(5) 1.4 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be \$4 per month except when a higher minimum bill is stipulated in the contract.

§ 233.52 Rate Schedule No. 2—General rate.

(a) This schedule is applicable to three-phase electric service for all purposes and is especially suitable for larger commercial and industrial concerns. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) 2.6 cents per kilowatt hour for the first 25 kilowatt hours per kilowatt of billing demand.

(2) 1.7 cents per kilowatt hour for the next 50 kilowatt hours per kilowatt of billing demand.

(3) 1.25 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be 75 cents per month per kilowatt of billing demand.

(d) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand.

(e) *Actual demand.* The actual demand for any month shall be the average amount of power used during the

period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable, the actual demand shall be connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances, and equipment, or from check metering.

(f) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for the month, whichever is greater.

§ 233.53 Rate Schedule No. 3—Irrigation and commercial pumping rate.

(a) *Application of schedule.* This schedule is applicable to three-phase electric service for irrigation or commercial pumping loads of 25 kilowatts demand or more. The necessary metering equipment will be supplied and maintained by the Project for all installations. Each service will be at one point of delivery and measured through one meter. This schedule is not applicable to temporary, breakdown, standby, supplementary, nor resale service.

(b) *Monthly rate.* The sum of demand and energy charges as follows:

(1) Demand charges of 75 cents per kilowatt of billing demand, and

(2) Energy charges of 7.5 mills per kilowatt hour for the first 200 kilowatt hours per kilowatt of billing demand, and

(3) Energy charges of 10 mills per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be 75 cents per month per kilowatt of billing demand.

(d) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

(e) *Contract demand.* Each customer shall state the number of kilowatts which the customer expects to require and desires to reserve for his service. This quantity is called the contract demand.

(f) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable or inoperable, the actual demand shall be the connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected load or from check metering.

§ 233.54 Rate Schedule No. 4—Street and area lighting.

(a) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, schoolyards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own, operate, and maintain the lighting

system including normal lamp and globe replacements.

(b) *Monthly rate.* (1) Lamps:

	Per lamp
200 watts or less, incandescent (2,800 lumens or less)-----	\$2.80
175 watts mercury vapor (approximately 6,500 lumens)-----	4.50
250 watts mercury vapor (approximately 10,000 lumens)-----	5.40
400 watts mercury vapor (approximately 18,000 lumens)-----	7.00

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Project Engineer. Installation charges, the cost of wood poles or special steel, aluminum, or other supports, special fixtures, and the cost of underground service, will be charged as determined by the Project Engineer.

§ 233.55 Rate Schedule No. 5—Commercial rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service to commercial users, including but not limited to stores, garages, service stations, taverns, motels, mobile home parks, light manufacturing and industrial plants, and installations with similar load characteristics having normal load factors and maximum demands of less than 50 kilowatts. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) Four dollars, which includes the use of 50 kilowatt hours.

(2) 4 cents per kilowatt hour for the next 200 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 300 kilowatt hours.

(4) 2 cents per kilowatt hour for the next 450 kilowatt hours.

(5) 1.5 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be \$4 per month except when a higher minimum bill is stipulated in the contract.

JOHN C. WHITAKER,
Under Secretary
of the Interior.

AUGUST 8, 1974.

[FR Doc.74-18784 Filed 8-14-74;8:45 am]

[7 CFR Part 722]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

COTTON

Proposed Determinations Regarding 1975 Crop Loan Programs

Cross Reference: For a document concerning proposed determinations regarding 1975 cotton crop loan programs, filed

jointly by the Agricultural Stabilization and Conservation Service and the Commodity Credit Corporation, see FR Doc. 74-18845, *infra*.

Commodity Credit Corporation

[7 CFR Part 1427]

COTTON

Notice of Determinations Regarding 1975 Crop Loan Programs

The Secretary of Agriculture is preparing to make the following determinations with respect to the 1975 crop of upland cotton, extra long staple (ELS) cotton, and seed cotton:

a. Loan level for upland lint cotton.
b. Loan level and payment rate for ELS lint cotton.

c. Detailed operating provisions to carry out the price support program for lint cotton.

d. Loan levels for seed cotton.
e. Detailed operating provisions to carry out the seed cotton loan program.

The first three of these determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; (7 U.S.C. 1421 *et seq.*)).

(a) *Loan level for upland lint cotton.* Section 103(e) (1) of the act requires the Secretary to determine and announce the loan level for the 1975 crop by November 1, 1974. Such loan level must reflect—for Middling 1-inch cotton, micronaire 3.5 through 4.9 at average location in the United States—90 percent of the average price of American cotton in world markets for the 3-year period August 1, 1971, through July 31, 1974, except that, if the calculated loan rate is higher than the then current level of average world prices for American cotton of the same quality, the Secretary is authorized to adjust the current calculated loan rate to 90 percent of the then current average world price. Section 103 (e) (1) further requires the Secretary to determine the 3-year average price of American cotton in world markets annually pursuant to a published regulation specifying the procedures and factors to be used in making the determination. Such regulation was published in the FEDERAL REGISTER on August 22, 1973 (38 F.R. 22543).

(b) *Loan level and payment rate for ELS lint cotton.* Section 101(f) of the act (7 U.S.C. 1441 (f)) requires that price support shall be made available to co-operators for the 1968 and each subsequent crop of ELS cotton, if producers have not disapproved marketing quotas therefor, through loans at a level which is not less than 50 percent or more than 100 percent in excess of the loan level established for Middling 1-inch upland cotton of such crop at average location in the United States (except that such loan level for ELS cotton shall in no event be less than 35 cents per pound). Section 101(f) also provides for price support payments at a rate which, together with the loan level established for such crop, shall be not less than 65 percent or more than 90 percent of the parity price for ELS cotton as of the

month in which the payment rate is announced. Section 401 of the act (7 U.S.C. 1421) requires that, in determining the level of support in excess of the minimum level prescribed for ELS cotton, consideration shall be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture, and the national economy, the ability to dispose of stocks acquired through a price support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

(c) *Detailed operating provisions to carry out the price support program for lint cotton.* Detailed regulations necessary to carry out the price support program on upland and ELS lint cotton are also being reviewed for 1975. Loan provisions in effect under the current program may be found in the Cotton Loan Program Regulations (7 CFR 1427.1-28, as amended by 39 FR 20585). Payment provisions in effect for ELS cotton under the current program may be found in the regulations providing the terms and conditions for payments on ELS cotton for 1968 and succeeding years (7 CFR 722.700-720).

The following determinations are to be made pursuant to Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)):

(d) *Loan levels for seed cotton.* Consideration is being given to the levels at which loans should be made available under the 1975 program.

(e) *Detailed operating provisions to carry out the seed cotton loan program.* The regulations to carry out the seed cotton loan program are also being reviewed for 1975. Provisions of this kind in effect under the current program may be found in the Seed Cotton Loan Program Regulations (7 CFR 1427.160-181, as amended by 39 FR 12983 and 14188).

Prior to making any of the foregoing determinations and issuing related regulations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than September 16, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday in Room 5725 South Building, 14th and Independence Avenue, SW., Washington, D.C.

Signed at Washington, D.C., on August 5, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service and Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-18845 Filed 8-14-74;8:45 am]

Soil Conservation Service

[7 CFR Part 651]

LAND RIGHTS, WATER RIGHTS, AND
CONSTRUCTION PERMITS

Acquisition of Interests

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the Administrator of the Soil Conservation Service (SCS) is considering the adoption of rules and regulations pertaining to the acquisition of interests in real property needed for projects with federal financial assistance provided under programs administered by SCS.

Interested persons may participate in the proposed rulemaking by submitting written data, views or arguments as they may desire to the Administrator, USDA—Soil Conservation Service, Washington, D.C., 20250, by September 23, 1974.

Dated: August 8, 1974.

KENNETH E. GRANT,
Administrator.

Subpart A—General

Sec.

- 651.1 Purpose and scope.
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- 651.10 General.
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651.22 Special provisions in real property instruments.
651.23 Certification of land rights acquired.
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Subpart C—Land Rights, Federal Cost Sharing
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- 651.30 General.
651.31 Land rights agreements.
651.32 Determining amount of federal cost sharing assistance.
651.33 Determining fair market values.
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Subpart D—Water Rights and Construction
Permits

- 651.40 Water rights.
651.41 Construction permits.

AUTHORITY: Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601 et seq.); 38 FR 10623-10632, 7 CFR Pt. 21.

Subpart A—General

§ 651.1 Purpose and scope.

This part sets forth policies, requirements, and procedures of the Soil Conservation Service (SCS) for:

- (a) implementation of Part 21 of this title to the extent such part relates to the acquisition of real property,
- (b) acquisition of water rights, and
- (c) acquisition of construction permits

for federal financially assisted programs administered by SCS.

§ 651.2 Definitions.

Acquiring agency. A nonfederal agency or organization which has or acquires interests in or permission to use real property to carry out a project with federal financial assistance provided under programs administered by SCS. In watershed projects and in resource conservation and development measures, a sponsor of the project must be the acquiring agency.

FmHA. The Farmers Home Administration of the U.S. Department of Agriculture (USDA).

FmHA loan. A loan made by FmHA from watershed funds for authorized watershed works of improvement or a loan made from resource conservation and development loan funds for authorized resource conservation and development measures as provided in §§ 1823.-301-1823.360 of this title.

Land rights. Any interest in or permission to use land, buildings, structures, or other improvements classified or referred to generally as real property or as land, easements, and rights-of-way.

Program agreement. An agreement such as a watershed work plan agreement or resource conservation and development measure plan entered into between sponsors and SCS which commits resources to carry out a federal financially assisted project.

Project agreement. An agreement entered into between sponsors and SCS which sets forth arrangements for the installation of works of improvement or developments.

Sponsor. A nonfederal agency or organization specified in a program agreement to sponsor a federal financially assisted project administered by SCS.

Subpart B—Land Rights, General

§ 651.10 General.

This subpart implements Part 21 of this title as such part relates to the acquisition of land rights when federal sharing in the cost of land rights is not authorized.

§ 651.11 Acquiring agency responsibilities.

(a) The acquiring agency must acquire all land rights needed for the investigation and survey, installation, operation, maintenance, and inspection of works of improvement to be installed with federal financial assistance, including any downstream or water diversion rights needed. The acquiring agency is responsible for all costs incidental to the acquisition of land rights and all considerations paid for land rights.

(b) The acquiring agency must acquire all land rights needed for the installation, operation, and maintenance of a works of improvement before a project agreement is entered into for installation of the works of improvement.

§ 651.12 Interest to be acquired.

(a) Land rights must be acquired by fee title or perpetual easement, except as provided in paragraphs (a) (1) and (a)

(2) of this section, for works of improvement if there is a continuing need for the operation and maintenance of the works of improvement. Rights acquired by fee title or perpetual easement must give the acquiring agency full rights to install, operate, control, maintain, and inspect the works of improvement.

(1) Land rights in federal, state, and other public lands and highway and railroad rights-of-way may be obtained by permit or its equivalent. If construction is involved, term easements are preferred.

(2) Land rights legally granted to acquiring agencies through arrangements such as rights granted to drainage districts when they are organized are acceptable if the acquiring agency is granted all the rights needed to install, operate, control, maintain, and inspect the works of improvement.

(b) Land rights for elements of works of improvements not requiring continuing operation and maintenance or that involve one-time or nonrecurring operations and for which there is no continuing need for operation and maintenance may be acquired by permit or its equivalent.

(c) Land treatment measures. If land treatment measures are to be maintained by other than landowners, the land rights for such measures may be acquired by term easements. A permit or cooperator-district agreement may be used for land treatment measures if substantial benefits accrue to the landowner and the maintenance will be nominal and performed by the landowner; however, a term easement is preferred if construction is involved.

(d) Surveys and investigations. Permits may be used to obtain permission to enter upon land to do survey or site investigation work. A term easement is preferred if construction is involved.

§ 651.13 Donated land rights.

To qualify as a donated land right as referred to in § 21.1001(b) of this title, the conveyance must meet the following criteria:

(a) The only consideration involved must be a pro forma monetary amount, such as \$1.00; or

(b) The amount of the consideration must be obviously and substantially less than the apparent fair market value of the land right, provided that:

(1) The grantor and the acquiring agency agree in writing on the apparent fair market value of the right (appraisals are not required to establish the apparent fair market value), and

(2) The grantor furnishes the acquiring agency with evidence that acceptance of the consideration involved is of his own free will and election.

§ 651.14 Appraisals.

Except as provided in Subpart C, the appraisal requirements in § 21.1003(a) of this title are not required, for:

(a) Term easements, permits, leases, and other arrangements for use of property only during the installation of works of improvement.

(b) Arrangements for rerouting, relocating, moving, or abandoning of improvements or facilities located on rights-of-way, such as roads, railroads, pipelines, and other utilities.

(c) Subordination of prior rights if no monetary consideration is involved, subordination of rights-of-way, and subordination of security liens such as mortgages and deeds of trust.

§ 651.15 Preliminary discussions.

Preliminary discussions with owners concerning the availability of property or the possibility of making a donation or land exchange is not precluded by the requirements of § 21.1005(a) of this title.

§ 651.16 Appraiser qualifications.

The qualified land appraiser required by § 21.1003 of this title shall be a person who has either had instruction in an appraisal school in the basic principles of appraising real property and specialized training in the type of real property to be appraised or equivalent practical training under a professional appraiser. If condemnation is involved the appraiser must, if required by state law, be licensed or certified. Appraisers must not have any interests in the real property to be appraised.

§ 651.17 Condemnation.

If condemnation of land rights is involved, SCS will not enter into a project agreement for installation of works of improvement until:

(a) The condemnation proceedings have progressed to the point court orders have given the acquiring agency right of possession of the real property interests sought or court judgments have vested title of the real property interests in the acquiring agency; and

(b) Except if time of appeals from court judgments has expired, the acquiring agency and SCS have entered into an agreement providing that the acquiring agency agrees to prosecute condemnation proceedings to a final conclusion and pay the damages awarded by the court.

§ 651.18 Mobile homes.

A mobile home will be treated as real property if it is considered real property under state law or if it cannot be moved without substantial damage or unreasonable cost.

§ 651.19 Real property instruments.

(a) Prior to the initiation of negotiations as set forth in § 21.1005 of this title, the acquiring agency must obtain SCS approval of all instruments to be used in acquiring land rights except for those used in condemnation proceedings. If the acquiring agency utilizes an FmHA loan, FmHA approval must also be obtained.

(b) The interests acquired in or permission obtained to use real property must be vested in one or more of the sponsors, preferably in the sponsor(s) that will operate and maintain the works of improvement. If an FmHA loan is involved, the interests must vest in the

borrowing sponsor who will operate and maintain the works of improvement.

(c) Deeds, easements, subordination agreements, and equivalent instruments must be executed and recorded in accordance with state law. Permits need not be recorded unless so required by state law.

§ 651.20 Subordination of prior rights.

(a) Outstanding air, surface, and subsurface rights that will interfere with a proposed works of improvement or development, or public access thereto must be extinguished, removed, or a subordination agreement obtained subordinating the prior right to the extent that exercising of the right will not interfere with the purposes of the project as follows:

(1) If a prior right exists for a building, structure, utility, or other improvement, it must be subordinated unless a removal, relocation, or modification of the improvement is arranged as provided in § 651.21.

(2) If a prior right exists for strip mining and the site for a structural works of improvement, including any permanent or flood pool area, is required to be obtained by fee title or perpetual easement, the strip mining right must be subordinated.

(3) If a prior right exists for removal of layered mineral deposits and a dam site is involved which is determined by SCS to be subject to deep subsidence, the mineral removal right must be subordinated to insure the acquiring agency the right to:

(i) Prevent the development or removal of minerals from unmined areas that would cause subsidence of the structure site.

(ii) Preserve or build and maintain adequate support to insure against future subsidence of the structure foundation for mined areas.

(b) Subordination of prior rights in instances other than those specified in paragraph (a) of this section is not specifically required by SCS. However, the acquiring agency should obtain subordination agreements for security or judgment liens, term leases, and other encumbrances as deemed desirable by it or required for FmHA loan purposes.

§ 651.21 Removal, relocation, modification, or salvaging of improvements.

The acquiring agency must arrange for the removal, relocation, modification, or salvaging of any building, structure, road, pipeline, public utility, fence, or other improvement which is not to be abandoned and see that the arrangement is carried out at a time and in a manner that will avoid interference with project construction.

§ 651.22 Special provisions in land rights instruments.

The acquiring agency must obtain SCS approval of all special provisions or conditions to be included in land rights instruments as a result of the negotiations for the land right. SCS approval must be obtained prior to recording the instrument, but preferably before the instru-

ment is executed. FmHA approval is also required if a FmHA loan is involved.

§ 651.23 Certification of land rights acquired.

(a) Works of improvement. Before entering into a project agreement, the acquiring agency must certify in writing to SCS that all necessary land rights have been acquired for the works of improvement to be included in the project agreement. A copy of each land rights instrument covered by the certification must be furnished SCS with or prior to submission of the certificate.

(b) Investigations and surveys. Evidence of adequate land rights to conduct investigations and surveys for proposed works of improvement must be furnished SCS by the acquiring agency as follows:

(1) In a letter of certification if investigations and surveys are to be performed by sponsor personnel.

(2) Submission of the land rights instruments if investigations and surveys are to be performed by SCS personnel or SCS contract.

§ 651.24 Flowage rights.

SCS will determine and inform the acquiring agency of the area for which flowage rights are to be provided for a dam.

§ 651.25 Flooding railroads, highways, public roads, dwellings, and other improvements.

The following criteria must be met before installing any structure which would result in flooding of railroads, highways, public roads, dwellings, buildings, water sources, public utilities, burial sites, and historic sites or monuments.

(a) Railroads that are to remain in use shall not be flooded.

(b) Highways and public roads, except as provided in paragraph (c) of this section, shall not be flooded within the elevation of the flowage line unless:

(1) The highway or public road is closed for a brief period at any given time and there is an alternate all-weather route that can be used with a minimum of inconvenience, and

(2) A written right or permission to flood the highway or public road has been obtained from the state, county, or agency having jurisdiction over the highway or public road. Such written right or permission may be in the nature of an easement, court order, or, if such cannot legally be given, a permit. The written right or permission must be accompanied by a citation of the applicable state statute or a written opinion of the State Attorney General stating that the state, county, or agency granting the permission has legal authority to allow the road to be closed by flooding.

(c) Dwellings are to be provided an all-weather road for ingress and egress that will not flood more frequently than under preconstruction conditions. If a road providing the only outlet to a dwelling is at a lower elevation than the flowage line stated in § 651.24, an historical record of preconstruction flooding shall

be developed and documented in the records of the acquiring agency and SCS.

(d) Dwellings, including basements, or any other buildings which contain valuable property or which may be used as living quarters on a permanent or seasonal basis shall not be allowed to remain in the area requiring flowage rights unless flood proofed or otherwise protected from damage by the storm event used to establish the flowage right elevation. Before financial assistance is made available to a sponsor, the dwelling or building must be demolished, relocated, raised, or protected by a floodwall. If the dwelling or building is raised or protected by a floodwall, it must be done in such a manner that there will be adequate drainage and no unreasonable ponding of water.

(e) Barns, garages and buildings used for similar purposes may remain in the flowage easement area upon advance approval of the Administrator. Generally, approval for flooding buildings of this nature will not be granted if the building is used for the storage of feed, perishable items, supplies, equipment, or other items which would be substantially damaged by flooding. This also applies to any building used for other purposes when flooding would cause an interruption or delay of operations carried on in the building, or cause a hazard which may result in injury, death, or damage to the building's contents.

(f) Water sources such as springs or wells shall not be flooded until sponsors have complied with legal requirements of state laws, ordinances, and regulations relating to items such as contamination.

(g) Public utilities shall not be flooded unless the utility company has determined that the function of the facility will not be affected adversely and a subordination agreement has been obtained.

(h) Burial sites, such as private family plots, cemeteries, and graveyards shall not be flooded unless disinterment and reburial have been accomplished in accordance with state law.

(i) Historical sites or monuments shall not be flooded until SCS has complied with Part 650 of this chapter.

Subpart C—Land Rights, Federal Cost Sharing Involved

§ 651.30 General.

(a) This subpart supplements and modifies Subpart B if a program agreement authorizes the sharing of the cost of land rights from SCS program funds.

(b) The requirements of this subpart do not apply to federal funds authorized by section 201(d) of the Rural Development Act of 1972 (Pub. L. 92-419, 86 Stat. 668 (16 U.S.C. 1004)) which provides that watershed project sponsors may use federal funds available to them under other programs to acquire real property interests for watershed projects. When these federal funds are used, the regulations established by the granting agency apply.

§ 651.31 Land rights agreements.

(a) Details of the cost-sharing arrangement will be documented in a

land rights agreement between SCS and the acquiring agency. The cost-sharing details, including land rights eligible for cost sharing, must not differ from the basic arrangement set forth in the program agreement.

(b) The following actions must have been taken and determinations made prior to execution of the land rights agreement:

(1) The project has been approved for operations, and federal funds have been allotted for this purpose.

(2) SCS has informed sponsors of the land rights needed for an entire site, and sponsors have determined whether the acquisitions will involve displacement of persons, businesses, or farm operations as provided by Part 652 of this chapter.

(3) Apparent ownerships of the land rights to be acquired have been determined.

(4) SCS has determined, or is satisfied, that the site is adequate for the proposed development, and that the acquiring agency's financial arrangements are adequate and sound.

(5) An agreement for the operation and maintenance of the site has been entered into or will be executed concurrently with the execution of the land rights agreement.

§ 651.32 Determining amount of federal cost sharing assistance.

The SCS cost-sharing percentage specified in the land rights agreement shall be applied to the price of each authorized land right as follows:

(a) For negotiated land rights the cost of which is covered by the monetary consideration recited in the land rights instrument, the SCS share will be computed on the price paid by the acquiring agency or the fair market value jointly determined by the acquiring agency and SCS, whichever is the lesser amount.

(b) For land rights acquired by condemnation, the SCS share will be computed on the amount of damages awarded by the court. However, if SCS considers the court award excessive and the acquiring agency does not choose or fails to exercise any appeals available to it which are considered necessary by SCS, the cost sharing will be based on the fair market value jointly determined by the acquiring agency and SCS.

(c) For land rights the cost of which is covered by a project agreement, or its equivalent, the SCS share will be computed on the actual cost incurred under the project agreement, or its equivalent, for accomplishing the work.

§ 651.33 Determining fair market value.

(a) Fair market values for the land rights discussed in § 651.32(a) and (b) will be established on the basis of appraisals as provided by § 21.1003 of this title.

(b) The SCS state conservationist and the acquiring agency must agree on the fair market value for each such land right. The state conservationist will not agree to a fair market value in excess of

the accepted appraisal unless the higher price is justified.

§ 651.34 Joint appraisals.

If agreed to by the acquiring agency and the SCS state conservationist, joint appraisals may be used to satisfy the requirements of § 651.33. The cost of joint appraisals must be mutually agreed to by the acquiring agency and SCS, but the federal share may not exceed 50 percent of the appraisal cost.

§ 651.35 Evidence of title.

(a) The acquiring agency must obtain evidence of title for all land rights for which federal cost-sharing assistance is involved. A title opinion by a qualified lawyer, a certificate of title by a title company, or a title insurance policy by an insurance company in a form satisfactory to SCS is acceptable evidence of title. The title evidence must show all encumbrances, defects, and any other factors which may impair or adversely affect the title.

(b) Before title to land rights is conveyed to the acquiring agency, the title evidence obtained by the acquiring agency must be submitted to SCS who will arrange for a legal review of the evidence. After the title evidence has been approved, the acquiring agency may proceed with the land rights acquisition. After the acquiring agency has made the land rights acquisitions, title evidence showing that a marketable title is vested in the acquiring agency must be submitted to SCS who will arrange for a final legal review. Federal cost sharing assistance for a land right will not be provided until the final legal approval has been obtained.

§ 651.36 Subordination of prior rights.

A determination not to subordinate a prior right discussed in § 651.20(b) must be mutually agreed to in writing by the acquiring agency and SCS.

Subpart D—Water Rights and Construction Permits

§ 651.40 Water rights.

(a) Project sponsors must acquire without cost to SCS, or provide assurance that landowners or water users have acquired, such water rights, pursuant to state law, as may be needed in the installation and operation of project works of improvement. This requirement must be met and certified to SCS in writing prior to the furnishing by SCS of federal financial assistance for the installation of a work of improvement.

(b) SCS will furnish sponsors with any information SCS has prepared for its own use covering local laws, procedures, and regulations governing the use of water and water rights.

§ 651.41 Construction permits.

(a) Project sponsors must acquire without cost to SCS such construction permits, pursuant to state or local law, as may be needed in the installation, operation, and maintenance of project works of improvement. This requirement

must be met and certified to SCS in writing prior to the furnishing by SCS of federal financial assistance for the installation of a work of improvement.

(b) SCS will furnish sponsors with any information SCS has prepared for its own use covering local laws, procedures, and regulations governing application for construction permits.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-EA-59]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Fairmont, W. Va., Transition Area (39 FR 440).

A new VOR and NDB instrument approach procedure is in development to serve Fairmont, W. Va. Airport. Provision of controlled airspace for arrival and departure procedures at Fairmont Airport will require the designation of a 700-foot floor transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 16, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Fairmont, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the Fairmont, W. Va. 700-foot floor transition area as follows:

FAIRMONT, WEST VIRGINIA

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the center, 39°26'50" N., 80°10'00" W. of Fairmont Airport, Fairmont, W. Va. and

within 5 miles each side of the Morgantown, West Virginia VORTAC 245° radial extending from the 8.5 mile radius area to 7.5 miles southwest of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 31, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-18744 Filed 8-14-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-61]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Lancaster, Pa., Transition Area (39 FR 525).

Alteration of the Lancaster, Pa., transition area to provide additional controlled airspace for the revised VOR Rwy 31 instrument approach procedure for Lancaster Airport will be required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 16, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lancaster, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Lancaster, Pa. Transition Area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center 40°07'18" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial, extending from the 7.5-mile radius area to 8.5 miles west of the

VORTAC; within 9.5 miles northeast and 4.5 miles southwest of the Lancaster VORTAC 128° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC; and within 3.5 miles each side of the Lancaster Airport ILS southwest localizer course, extending from the 7.5-mile radius area to 10.5 miles southwest of the OM.

(Section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 31, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-18742 Filed 8-14-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-58]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Monticello, N.Y., Transition Area (39 FR 547).

A new instrument approach procedure to Monticello Airport is in development. An alteration of the 700-foot floor transition area will be required to provide controlled airspace for arrival and departure procedures at the airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 16, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Monticello, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to alter the description of the Monticello, N.Y. 700-foot floor transition area by deleting, "northwest of the LOM (41°45'59" N.,

74°51'39" W.)" and by substituting therefore, "northwest of the OM (41°45'59" N., 74°51'39" W.); within a 5-mile radius of the center, 41°37'10" N., 74°42'10" W. of Monticello Airport, Monticello, N.Y. and within 2-miles each side of the Huguenot, N.Y. VORTAC 338° radial extending from the 5-mile radius area to 9 miles north of the VORTAC."

(Sec. 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 31, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-18743 Filed 8-14-74; 8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 581]

[Docket 73-19, Notice 4]

MOTOR VEHICLE DAMAGE STANDARD Proposed Amendment to Bumper Standard

The purpose of this notice is to propose an amendment to 49 CFR Part 581, the proposed front and rear end damageability standard, to regulate the performance of pressure vessels used in exterior protection systems. By notice issued today an identical provision has been added to Standard No. 215, *Exterior Protection* (49 CFR 571.215) for reasons stated therein.

As proposed, Part 581 will become effective September 1, 1975, at which time Standard No. 215 will be merged into it. In order to maintain consistency between Standard No. 215 and the proposed bumper standard, it is proposed that Part 581 be amended to specify the same limitation of pressure release from pressure devices as that prescribed in Standard No. 215. Loss of gas or fluid accompanied by separation of fragments from pressure vessels would be prohibited as constituting a hazard to bystanders.

In consideration of the foregoing, it is proposed that the proposed new 49 CFR Part 581, Bumper Standard, (Docket No. 73-19, Notice 3, 39 FR 25237, July 9, 1974) be amended as follows:

1. S5.1 would be amended and S5.2.9 added to read:

S5.1 *Vehicles manufactured on or after September 1, 1975.* Each vehicle manufactured on or after September 1, 1975, shall meet the damage criteria of S5.2.1 through S5.2.9 when impacted by a pendulum-type test device in accordance with the procedures of S7.1 and S7.2 followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, then longitudinally rearward, under the conditions of S6., at the following impact speeds:

Longitudinal pendulum and barrier tests:
5 mph.
Corner pendulum tests: 3 mph.

S5.2.9 A pressure vessel used to absorb impact energy in an exterior protection system by the accumulation of gas pressure or hydraulic pressure shall not suffer loss of gas or fluid accompanied by separation of fragments from the vessel.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W. Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: September 16, 1974.

Proposed effective date: September 1, 1975.

(Sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912); delegations of authority at 49 CFR 1.51 and 501.8.)

Issued on August 9, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-18753 Filed 8-14-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 250-1]

KANSAS

Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. During January, February, March, and April, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval and disapproval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules, and have been reviewed and determined to be consistent with the approved control strategies of Kansas. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Disapproval of one schedule, Chanute Manufacturing Company, Inc., is proposed because of failure to comply with the substantive requirements relating to public hearings in CFR 51.4. If the State-Submitted schedule is ultimately disapproved, the air pollution source involved would continue to remain subject to the immediately-effective compliance dates set by applicable State regulations in the Federally-approved State Implementation Plan.

In the indication of proposed approval or disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large numbers of compliance schedules preclude setting forth detailed reasons for approval or disapproval of individual schedules in the Federal Register, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved or disapproved are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Interested persons may participate in this rule making by submitting written comments in triplicate to the Region VII Office at the above address. All comments submitted on or before September 16, 1974 will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

(42 U.S.C. 1857c-5)

Dated: June 11, 1974.

JEROME H. SVARE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart R—Kansas

1. In § 52.876, the table in subparagraph (c) (1) is amended and a new (c) (2) is added as follows:

§ 52.876 Compliance schedules.

(c) * * *

KANSAS

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
Deitz Hill Development Co., Kansas City: Primary and secondary crusher	28-19-20	Dec. 14, 1973	Immediately	Apr. 1, 1975
Owens-Corning Fiberglas Corp., Kansas City:				
J-6 forming plan "B"	28-19-20	Apr. 19, 1974	do	July 31, 1975
J-5 glass furnace	28-19-20	Dec. 14, 1973	do	July 1, 1974
J-5 forming plan "B"	28-19-50	Apr. 19, 1974	do	July 31, 1975
K-3 forming plan "A"	28-19-20	Dec. 14, 1973	do	Feb. 1, 1974
K-3 forming plan "B"	28-19-20	Apr. 19, 1974	do	July 31, 1975
K-4 forming plan "A"	28-19-20	Dec. 14, 1973	do	Feb. 1, 1974
K-4 forming plan "B"	28-19-20	Apr. 19, 1974	do	July 31, 1975
#70 glass furnace	28-19-20	do	do	Oct. 31, 1974
#70 forming	28-19-20	Dec. 14, 1973	do	July 1, 1975
#71 glass furnace	28-19-20	do	do	Apr. 1, 1975
#71 forming	28-19-20	do	do	Do
#72 glass furnace	28-19-20	do	do	June 1, 1975
#72 forming	28-19-20	do	do	Do
I glass furnace	28-19-20	do	do	July 31, 1974
I oven stack	28-19-20	Apr. 19, 1974	do	Sept. 30, 1975
H glass furnace	28-19-20	Dec. 14, 1973	do	Mar. 1, 1975
S-G Metals Industries, Inc., Kansas City: Aluminum furnaces 1-7	28-19-20	do	do	Feb. 28, 1974
Colt Industries, Kansas City: Cupolas #1 and #2	28-19-20	May 9, 1974	do	Sept. 15, 1974
U.S. Industrial Chemicals Co., Desoto: Acid plant	28-19-50	Dec. 14, 1973	do	Do
Certain-Teed Products Corp., Kansas City:				
K-2 furnace plan "A"	28-19-20	do	do	June 1, 1974
K-2 furnace plan "B"	28-19-20	do	do	Dec. 31, 1974
K-8 furnace plan "A"	28-19-20	do	do	June 1, 1974
K-8 furnace plan "B"	28-19-50	do	do	Dec. 31, 1974
K-2 forming plan "A"	28-19-20	do	do	Do
K-2 forming plan "B"	28-19-20	do	do	June 3, 1974
K-1 forming area plan "A"	28-19-20	do	do	June 1, 1974
K-1 forming area plan "B"	28-19-20	do	do	Dec. 31, 1974
K-8 curing section	28-19-20	do	do	July 31, 1975
Cooperative Farm Chemicals Association, Lawrence:				
No. 2 ammonium nitrate neutralizer and prilling tower	28-19-20	do	do	Do
No. 1 ammonium nitrate evaporator and prilling tower	28-19-20	do	do	Do
Ismert-Hincke Milling Co., Topeka:				
Hammer mill suction filter	28-19-50	do	do	Do
Wheat unloading pits section	28-19-50	do	do	Do
Kaw Dehydrating Co., Rossville: Alfalfa dehydrator	28-19-20	do	do	June 1, 1974
Lincoln Grain, Inc., Atchison: Grain cleaners	28-19-20	do	do	Apr. 1, 1974
Mid-American Dairyman, Inc., Sabetha: Spray dryers	28-19-20	Apr. 19, 1974	do	Dec. 31, 1974
Midwest Solvents, Inc., Atchison:				
Gluten dryers	28-19-20	Dec. 14, 1973	do	June 30, 1974
Starch dryers	28-19-20	do	do	Do
Animal feed production	28-19-20	do	do	Feb. 1, 1974
N. R. Hamm Quarry, Perry:				
Crusher #25-1	28-19-20	do	do	Apr. 1, 1974
Crusher #25-2	28-19-20	do	do	Oct. 1, 1974
Rodney Milling Co., Topeka:				
Wheat cleaning suction filter "A"	28-19-50	do	do	June 30, 1974
Wheat cleaning suction filter "B"	28-19-50	do	do	Aug. 31, 1974
Wheat cleaning suction filter "C"	28-19-50	do	do	Oct. 31, 1974
Wheat cleaning suction filter "D"	28-19-50	do	do	Dec. 31, 1974
Milo mill suction	28-19-50	do	do	Feb. 28, 1975
"A" and "B" house gallery suction system	28-19-50	do	do	Do
"A" and "B" house tunnel suction system	28-19-50	do	do	June 30, 1975
"C" house gallery and tunnel suction system	28-19-50	do	do	July 30, 1975
Thompson Dehydrating, Bellevue: Alfalfa dehydrator	28-19-20	Dec. 14, 1974	do	Oct. 1, 1974
Killough-Clark, Inc., Ottawa:				
Primary impactor crushers (2)	28-19-20	Jan. 18, 1974	do	July 1, 1974
Secondary hammer mill (2)	28-19-20	do	do	Do
Tertiary screening plant (1)	28-19-20	do	do	Do
Ransom Memorial Hospital: Incinerator	28-19-40	do	do	Oct. 1, 1974
Gulf and Western Industries, Paola: Taylor forge division	28-19-50	Apr. 19, 1974	do	June 1, 1974
Elwood USD #186, Elwood: Incinerator	28-19-50C	Feb. 8, 1974	do	Jan. 1, 1975
St. Peter and Paul High School, Seneca: Open burning	28-19-45	do	do	July 31, 1975
Nemaha Valley Schools—USD #142: Incinerators (2)	28-19-40C	do	do	Jan. 1, 1975
Duckwall Stores, Inc., Manhattan: Aleo store #15	28-19-40	Dec. 14, 1973	do	July 1, 1974
Bayer Construction Co.: Rock crushing plant	28-19-20	do	do	Feb. 1, 1974
C. K. Processing Co., Inc.: Alfalfa Dehydrator	28-19-20	do	do	July 1, 1974
C. K. Processing Co., Inc., Salina: Alfalfa dehydrator	28-19-20	do	do	Do
Clay Center Dehydrating Co., Clay Center: Alfalfa dehydrator	28-19-20	do	do	Oct. 30, 1974
Gibson Products Co., Junction City: Incinerator	28-19-40	do	do	July 1, 1974
Longford Mill Products, Inc., Clay Center: Alfalfa dehydrator	28-19-20	do	do	Nov. 15, 1974
McPherson County Highway Department, McPherson: Hot mix asphalt plant	28-19-50	do	do	June 1, 1974
North Central Foundry, Inc., Enterprise: Gray iron foundry cupola	28-19-20	do	do	Apr. 1, 1974
Solomon Electric Supply, Inc., Solomon: Open burning	28-19-45	do	do	Feb. 1, 1974
Wyatt Manufacturing Co., Inc., Salina: Gray iron Cupola	28-19-20	do	do	May 30, 1974
R-K Shopper, Inc., Mankato: Incinerator	28-19-40C	Feb. 8, 1974	do	Sept. 1, 1974
Kansas Refined Helium Co., Otis: Safety flare	28-19-40D	Dec. 14, 1973	do	Mar. 1, 1974
Royal Brand Roofing, Phillipsburg: Roofing machine	28-19-50	do	do	Mar. 1, 1975
Aeme Foundry and Machine Co., Coffeyville: Cupola furnace	28-19-20	do	do	Sept. 21, 1974
Allen County Highway Department, Iola: Primary crusher and secondary crusher and screening	28-19-20	do	do	Apr. 1, 1974
Central Non-Ferrous, Inc., Fort Scott:				
Sweater furnaces (2)	28-19-20	do	do	Dec. 1, 1974
Chlorination processes (2)	28-19-20	do	do	Do
Walker Products Co., Inc., Lincoln: Alfalfa dehydrator	28-19-20	do	do	July 1, 1975

PROPOSED RULES

KANSAS

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
Cullor Limestone Co., Inc., Lincoln:				
Primary crushers (2)	28-19-20	do	do	Apr. 1, 1974
Secondary crushers (2)	28-19-20	do	do	Do.
Tertiary crushers (2)	28-19-20	do	do	Do.
Fines mills (2)	28-19-20	do	do	Do.
General Portland, Inc., Fredonia:				
Rock crushing	28-19-20	Apr. 19, 1974	do	July 15, 1974
Clinker burning kilns	28-19-20	do	do	Aug. 1, 1974
Gulf Oil Chemicals Co., Pittsburg:				
#11 and 12 Dupond nitric acid units	28-19-50	Dec. 14, 1973	do	Jan. 1, 1975
Coal burning facilities	28-19-31	do	do	Apr. 1, 1975
#17, 18, and 19 ammonium nitrate	28-19-20	do	do	Mar. 1, 1975
Neutralizers	28-19-50	do	do	do
Jenacast Products, Coffeyville: Cupola furnace	28-19-20	do	do	July 31, 1975
Kansas City Power and Light, LaCygne:				
Main boiler	28-19-31B	do	do	May 1, 1975
Start-up boilers	28-19-50	do	do	May 1, 1974
Coal transfer houses	28-19-50	do	do	Do.
Labeite County Highway Department, Oswego: Secondary crushing and screening	28-19-20	do	do	Oct. 15, 1974
Longton Dehydrating and Milling Co., Longton: Alfalfa dehydrator	28-19-20	do	do	July 1, 1975
Midwest Minerals, Inc., Girard:				
Plant #1 (primary crusher, secondary crusher, tertiary crusher, recrusher, and fines mill)	28-19-20	do	do	July 1, 1974
Plant #2 (primary crusher, secondary crusher, recrusher, and fines mill)	28-19-20	do	do	Do.
Plant #3 (primary crusher, secondary crusher, tertiary crusher, crusher, and fines mill)	28-19-20	do	do	Do.
National Alfalfa Dehydrating and Milling Co., Fredonia: Alfalfa dehydrator	28-19-20	do	do	July 31, 1975
Neosho County Highway Department, Erie:				
Primary crusher	28-19-20	May 9, 1974	do	July 2, 1975
Secondary crusher and screening	28-19-20	do	do	Do.
Pittsburg and Midway Coal Mining Co., Hallowell:				
Coal fired boilers	28-19-31	Dec. 14, 1973	do	May 31, 1975
Sherwin-Williams Co., Coffeyville: Black ash kiln	28-19-50	Apr. 19, 1974	do	July 1, 1974
Western Alfalfa Corp., Neosho: Alfalfa dehydrator	28-19-20	Dec. 14, 1973	do	Aug. 1, 1974
U.S. Steel-Universal Atlas Cement, Independence:				
Clinker kilns (4)	28-19-20	Feb. 8, 1974	do	May 31, 1974
Rock dryers (3)	28-19-20	do	do	Do.
Mercy Hospital, Fort Scott: Incinerator	28-19-40	do	do	July 31, 1975
Mr. Z's IGA, Emporia: Incinerator	28-19-40	do	do	Jan. 1, 1975
Self Service Super Markets, Chanute: Incinerator	28-19-40	do	do	July 1, 1974
Sherwin-Williams Co., Coffeyville: ZnSO ₄ spray dryer	28-19-50	do	do	Apr. 15, 1974
Benedict Rock and Lime Co., Benedict:				
Primary crusher	28-19-20	Jan. 18, 1974	do	July 1, 1974
Secondary crusher and screening	28-19-20	do	do	Do.
Coffeyville Memorial Hospital, Coffeyville: Incinerator	28-19-40	do	do	May 1, 1974
Foodtown Store, Chanute: Incinerator	28-19-40	do	do	Mar. 1, 1974
Food Store, Coffeyville: Incinerator	28-19-40	do	do	Do.
McAdam Construction Co., Garnett:				
Primary crusher	28-19-20	do	do	July 15, 1974
Secondary crusher and screening	28-19-20	do	do	Do.
McAdam Construction Co., Mound City:				
Primary crusher	28-19-20	do	do	Do.
Secondary crusher and screening	28-19-20	do	do	Do.
Pence Food Center, Chanute: Incinerator	28-19-40	do	do	Dec. 31, 1974
Pence Food Center, Humboldt: Incinerator	28-19-40	do	do	Do.
Unified School District #445, Coffeyville:				
Garfield incinerator	28-19-40	do	do	Sept. 1, 1974
Longfellow incinerator	28-19-40	do	do	Do.
Edgewood incinerator	28-19-40	do	do	Do.
Town and Country Supermarket (Willow Corp.), Columbus: Incinerator	28-19-40	Apr. 19, 1974	do	May 15, 1974
Walton Foundry, Inc., Iola: Cupola	28-19-20	Feb. 8, 1974	do	July 31, 1974
Duckwall Stores, Inc., Newton: Alco discount store	28-19-40	Dec. 14, 1973	do	July 1, 1974
Bert and Wetta Sales, Inc., Maize: Alfalfa dehydrating	28-19-20	do	do	Nov. 1, 1974
Cargill, Inc., Wichita:				
Bean dryer	28-19-20	do	do	June 1, 1975
Rail car unloading facility	28-19-20	do	do	Dec. 1, 1974
Cities Service Oil Co., Hutchinson: Hydrocarbon storage wells	28-19-47C	do	do	June 1, 1974
Colman Alfalfa Milling Co., Haven: Alfalfa Dehydrating plant	28-19-20	do	do	July 1, 1974
George M. Myers, Inc., El Dorado: Portable rock crushing units	28-19-20	do	do	May 1, 1974
International Multi Foods, Hutchinson: Hammer milling process	28-19-20	do	do	July 15, 1974
New Era Milling Co., Arkansas City: Grain screening separator	28-19-20	Apr. 19, 1974	do	July 1, 1974
Sunny Kansas Flour Mills, Wichita:				
Truck unloading pits	28-19-20	Dec. 14, 1973	do	June 1, 1975
Rail car unloading facility	28-19-20	do	do	Apr. 1, 1975
Basement conveying system	28-19-20	do	do	June 1, 1974
Gallery conveying system	28-19-20	do	do	May 1, 1974
Western Alfalfa Corp., Belle Plaine: Alfalfa dehydrating plant	28-19-20	do	do	Aug. 1, 1974
Western Alfalfa Corp., Douglass: Alfalfa dehydrating plant	28-19-20	do	do	Do.
Western Alfalfa Corp., Marion: Alfalfa dehydrating plant	28-19-20	do	do	July 31, 1975
Western Alfalfa Corp., Mount Hope: Alfalfa dehydrating plant	28-19-20	do	do	Do.
Western Alfalfa Corp., Oxford: Alfalfa dehydrating plant	28-19-20	do	do	Aug. 1, 1974
Western Grain, Inc., Wichita:				
Elevator dust collection system (receiving pit, north gallery upper belt, south gallery upper belt, north gallery lower belt, south gallery lower belt)	28-19-20	do	do	Sept. 30, 1974
Far-Mar-Co., Inc., Wichita:				
Elevator A—Rail car unloading	28-19-20	do	do	June 15, 1974
Elevator B—Rail car unloading	28-19-20	do	do	Do.
Elevator A—Basement conveyor	28-19-20	do	do	Do.
Elevator A—Head house legs	28-19-20	do	do	Do.

KANSAS

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
Elevator B—Head house legs	28-19-20	do	do	Do.
Elevator B—Basement conveyor	28-19-20	do	do	Do.
Elevator C—Basement conveyor	28-19-20	do	do	Do.
Elevator D—Basement conveyor	28-19-20	do	do	Do.
Elevator C and D—Head house legs	28-19-20	do	do	Do.
Sam P. Wallingford, Inc., Wichita:				
Grain cleaner	28-19-20	do	do	June 30, 1974
Elevator receiving pits	28-19-20	do	do	July 1, 1975
Southwest elevator conveying system	28-19-20	do	do	June 30, 1974
West elevator conveying system	28-19-20	do	do	Do.
North elevator conveying system	28-19-20	do	do	Do.
East elevator conveying system	28-19-20	do	do	Do.
Collins Grocery, Hutchinson: Incinerator	28-19-40	Jan. 18, 1974	do	June 1, 1974
Newton Presbyterian Manor, Newton: Incinerator	28-19-40	do	do	July 1, 1974
Salem Hospital, Inc., Hillsboro: Incinerator	28-19-40	do	do	Jan. 1, 1975
Walt Keeler Co., Inc., Florence:				
Secondary rock crusher	28-19-20	do	do	July 1, 1974
Fines mill	28-19-20	do	do	Do.
Alamo Chemical Co., Richfield: Flare	28-19-45	Dec. 14, 1973	do	June 30, 1975
Amoco Production Co., Kinsler: Flare	28-19-45	do	do	June 1, 1974
Amoco Production Co., Ulysses: Flare	28-19-45	do	do	Do.
Bert and Wetts Sales, Inc., Larned: Alfalfa dehydrating	28-19-20	do	do	May 31, 1975
Bert and Wetts Sales, Inc., Rozel: Alfalfa dehydrating	28-19-20	do	do	Do.
Buffalo Industry, Inc., Garden City: Gray iron Cupola	28-19-20	do	do	Feb. 1, 1975
Cities Service Oil Co., Satanta: Evaporation lagoons	28-19-45	do	do	June 1, 1974
Cities Service Oil Co., Scott City: Evaporation lagoons	28-19-45	do	do	Do.
Colorado Interstate Gas Co., Lakin: Flare	28-19-45	do	do	Sep. 15, 1974
Mesa Petroleum Co., Ulysses: Flare pit	28-19-45	do	do	June 1, 1974
Mesa Petroleum Co., Flare	28-19-45	do	do	Do.
Gold Bond Building Products, Medicine Lodge:				
Calcining kettles (3)	28-19-20	do	do	July 1, 1974
Raymond mills (3)	28-19-20	do	do	Oct. 1, 1974
Block grinders (2)	28-19-50	do	do	Apr. 1, 1975
Board end trimming	28-19-50	do	do	Do.
Rotary calciners (2)	28-19-20	do	do	June 1, 1975
O.K. Cooperative Grain Co., Kiowa: Hay and barley milling	28-18-20	do	do	Jan. 1, 1975
Western Alfalfa Corp., Deerfield: Alfalfa dehydrating plant	28-19-20	do	do	July 31, 1975
Western Alfalfa Corp., Garden City: Alfalfa dehydrating plant	28-19-20	do	do	Aug. 1, 1974
Western Alfalfa Corp., Holcomb: Alfalfa dehydrating plant	28-19-20	do	do	Do.
Western Alfalfa Corp., Larned: Alfalfa dehydrating plant	28-19-20	do	do	Do.
Western Alfalfa Corp., Lowe: Alfalfa dehydrating plant	28-19-20	do	do	Do.
Western Alfalfa Corp., Peterson: Alfalfa dehydrating plant	28-19-20	do	do	Do.
Western Alfalfa Corp., Tice: Alfalfa dehydrating plant	28-19-20	do	do	July 1, 1975

(2) The compliance schedule submitted for the source identified below is disapproved as not meeting the requirements of § 51.4 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

KANSAS

Source and location	Regulation involved	Date adopted
Chanute Manufacturing Co., Inc., Chanute:		
Sand blasting	28-19-50	Dec. 14, 1973

[FR Doc.74-18612 Filed 8-14-74;8:45 am]

[40 CFR Part 180]

[FRL 251-2]

CAPTAFOL

Tolerances and Exemptions for Pesticide Chemicals

Dr. C. C. Compton, Coordinator, Inter-regional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Sta-

tion of Hawaii submitted a petition (PP 4E1480) proposing establishment of a tolerance for residues of the fungicide captafol (*cis* - *N*-(1,1,2,2-tetrachloroethyl) thio] - 4 - cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodity taro (corm) at 0.02 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerance is being proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies.

3. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), it is proposed that § 180.267 be amended by adding the new paragraph "0.02 part per million * * *" to the end of the section, as follows:

§ 180.267 Captafol; tolerances for residues.

0.02 part per million in or on taro (corm).

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before September 16, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received by September 16, 1974 and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the FEDERAL REGISTER Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 8, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-18707 Filed 8-14-74;8:45 am]

[40 CFR Part 180]

[FRL 251-3]

POLYOXYETHYLATED PRIMARY FATTY AMINE

Tolerances and Exemptions for Pesticide Chemicals

ICI America, Inc., Wilmington, DE 19899, submitted a petition (PP 3E1352) proposing establishment of an exemption from the requirement of a tolerance for residues of polyoxyethylated primary amine (C_{12} - C_{18}) where the fatty amine is derived from an animal source and contains 3% water; the poly(oxyethylene) content averages 20 moles; when used as a surfactant in accordance with good agricultural practice as an inert (or occasionally active) ingredient in pesticide formulations applied to growing crops only, as follows: (a) prior to actual planting of the crop or (b) as a directed spray around the base of citrus, pome fruit, stone fruit, small fruit and berries, tropical fruits with inedible peel, tree nut crops, leafy beverage crops and seed beverage crops.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the proposed exemption will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), it is proposed that § 180.1001 be amended by alphabetically inserting a new item in the table in paragraph (d) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(d) * * *

Inert Ingredients	Limits	Uses
Polyoxyethylated primary amine (C ₁₂ -C ₁₈); the fatty amine is derived from an animal source and contains 3% water; the poly(oxyethylene) content averages 20 moles.	Applied prior to planting of any crop, or as a directed spray around the base of citrus, pome fruit, stone fruit, small fruit and berries, tropical fruits with inedible peel, tree nut crops, leafy beverage crops and seed beverage crops.	Surfactant.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before September 16, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before September 16, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 8, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-18708 Filed 8-14-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket 19622; FCC 74-875]

PRIME TIME ACCESS RULE

Memorandum, Opinion and Order Concerning Clarification

In the matter of consideration of the operation of, and possible changes in, the prime time access rule, § 73.658(k) of the Commission's rules.

1. The Commission here considers a "Petition for Clarification of Nature of Investigation" filed on July 23, 1974, by the National Association of Independent Television Producers and Distribu-

tors (NAITPD), following the issuance of our Further Notice Inviting Comments in this proceeding (FCC 74-756, released July 17, 1974, 39 FR 26918). NAITPD requests clarification of "certain fundamental matters of law, policy and procedure, whose resolution appears vital to preparation of a meaningful fourth round of comments on the subject of competition, network prime time dominance and Hollywood unemployment" as invited in that Notice. Six points are mentioned.

2. In our judgment, for the most part this petition must be denied. What is sought largely (and entirely in the first three points) are expressions by us on certain questions of a rather conceptual nature—e.g., what the objectives of the rule are now in relation to what they were originally (and, if changed, what are the new objectives), the relevance of such matters as network-owned station group purchasing of programs and the networks' asserted greater dominance over the remainder of prime time (and whether these can be any justification for returning prime time to them), the relevance of the "impact on Hollywood" consideration both legally and in relation to the rule's basic objectives, etc. Further discussion of these matters at this point is neither necessary nor appropriate. We have dealt with them to some extent in our January Report and Order herein, and do not regard it as appropriate to do so again—thus in effect writing another Report and Order—until after review of the further comments to be filed. NAITPD, and other parties who have participated extensively in this proceeding before, no doubt have definite views on the questions set forth in the Further Notice (or believed to flow from the subjects set forth there) and can formulate them without help from us at this stage.

3. Some further observations are appropriate with respect to the "impact on Hollywood" matter, which is a difficult area both because of the "threshold question" of relevance (or our authority to consider) and because of the great difficulty an exhaustive effort to get exact facts would entail. As stated in the Further Notice, we are not prepared at this point to pass on the "threshold question" (which conceivably could turn on the nature of the facts as to the degree of impact). We believe that the subject can be explored factually, to an extent sufficient for the purpose of this proceeding, in the time allotted for comments. For example, NAITPD's long-standing members include producers of game shows and variety shows, who should be able to supply readily information as to the numbers of persons and payroll typically involved in the production of such programs. Other parties should be able to give similar information as to dramatic programs (both network and those produced for syndication), and similarly station licensees should be able to give data as to the numbers of persons involved in the increased local programming efforts which have occurred.

4. NAITPD also requests a statement (particularly in the last connection, but also generally) as to what the Commission's staff will investigate, and what it will leave to commenting parties. This is a matter within the Commission's discretion, to be decided in light of what is necessary or appropriate. If commenting parties have any particular relevant data they wish to have the Commission consider, they should present it.

5. Effective date. NAITPD urges that, in the interest of some degree of certainty in the industry, we specify now an effective date for whatever rule changes may result from our further decision herein. Its position is that the Court has held that, at least as to any change involving a reduction in "cleared" time compared to the present rule, the period between decision and effective date must be at least 16 months. It asks us to state that we will not put such changes into effect until the start of a season (September) at least 16 months after decision or six months after appeal and affirmation.

6. Since this is one of the matters set forth in the Further Notice for comments (par. 4), it would be premature and inappropriate for us to set forth any final view at this time. We point out that, as mentioned before, it is our intention to issue a decision herein expeditiously, so as to relieve the uncertainty involved as soon as possible.

7. In view of the foregoing, *It is ordered*, That the "Petition for Clarification of Nature of Investigation" filed on July 23, 1974, by the National Association of Independent Television Producers and Distributors, is granted, to the extent of the foregoing discussion, and in all other respects is denied.

Adopted: August 1, 1974.

Released: August 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-18766 Filed 8-14-74; 8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-441]

NEW PRODUCER SALES OF NATURAL GAS

Proposed Optional Procedure for Certifying

AUGUST 8, 1974.

1. Pursuant to 5 U.S.C. 551, et seq. Supp. V. (1967) and sections 4, 5, 7, 8, and 16 of the Natural Gas Act (52 Stat. 822, 823, 824, 825, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717n, 717o) notice is hereby given that the Commission proposes to amend §§ 2.75(o), 2.75(d), and 2.75(e) of its regulations, 18 CFR 2.75 (o), 2.75(d), and 2.75(e), in the manner and for the reasons explained below.

2. Under § 2.75(n) of our regulations, 18 CFR 2.75(n), an applicant who has submitted a sales contract to the Commission for approval under the Optional Procedure For Certifying New Producer Sales Of Natural Gas, 18 CFR 2.75, may, under certain specified conditions, commence deliveries pursuant to the provisions of such contract pending review of the contract by the Commission. If deliveries are so commenced, they are, under § 2.75(o) of our Regulations, 18 CFR 2.75(o), to "be made at rates no higher than the prevailing area ceiling rate" for the first six months "unless the Commission has made its final orders on the application at an earlier date." If the Commission has not issued its final decision on the application at the end of the first six month period, "the seller upon the filing of a notice of change in rate pursuant to § 154.94 of this chapter of the Commission's regulations (18 CFR 154.94) shall be entitled to receive without refund obligation and the purchaser shall be entitled to pay, the rates specified in the contract, and such contract rates shall continue as the effective rates until the Commission enters its final order on the certificate application." Section 2.75(o), *supra*.

3. When we promulgated § 2.75(o), *supra*, allowing a seller in optional procedure cases to collect its contract rate without refund obligation six months after the commencement of deliveries until the Commission enters its final order on their certificate applications, we did so in the belief that virtually all optional procedure cases would, in fact, be decided by the Commission within six months of the commencement of deliveries. Subsequent experience has shown, however, that optional procedure applications have not typically been fully processed by the Commission within that time period. Accordingly, we propose to amend § 2.75(o), *supra*, to provide that a seller in optional procedure cases may begin collecting its contract rate nine months after commencement of deliveries if the Commission has not yet entered a final order on its certificate application.

4. One additional modification of § 2.75 of our regulations is, in our view, appropriate at this time. Since the promulgation of that section, the Commission has established a uniform nationwide rate applicable to (1) jurisdictional sales made from wells commenced on or after January 1, 1973; (2) sales initiated on or after January 1, 1973, for the sale of natural gas in interstate commerce where such gas has not previously been sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22 or § 157.29; and (3) jurisdictional sales made pursuant to contracts executed on or after January 1, 1973, where the sales were formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms.¹ It is apparent

that any sales of natural gas initiated after January 1, 1973, and still within the initial nine months of delivery, or to be commenced after the effective date of the amendments proposed herein, would, under (2) above, be entitled to the nationwide ceiling rate, if such gas had not previously been sold in interstate commerce. Accordingly, the phrase "no higher than the prevailing area ceiling rate" in § 2.75(o), *supra*, should be amended to read "no higher than the prevailing nationwide ceiling rate." Similarly, the phrase "shall not constitute the establishment of an area rate" in § 2.75(d), 18 CFR 2.75(d) should be amended to read "shall not constitute the establishment of an area or nationwide rate," and the phrase "in excess of an area ceiling rate" in § 2.75(e), 18 CFR 2.75(e) should be amended to read "in excess of the prevailing nationwide ceiling rate."

5. In accordance with the above, we propose to amend §§ 2.75(d), 2.75(e), and 2.75(o) in Part 2, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations, to read in pertinent part as follows:

§ 2.75 Optional procedure for certifying new producer sales of natural gas.

(d) A certificate of public convenience and necessity issued and accepted under this section shall not be subject to change by determinations or orders whether heretofore made or hereafter to be made in producer or pipeline rate proceedings initiated under section 4 of the Act, and orders issued hereunder shall not constitute establishment of an area or nationwide rate: *Provided, however*, That nothing herein shall limit the applicability of section 5 of the Natural Gas Act. Nothing done hereunder shall be recognized by the Commission as triggering any existing contract escalation clauses.

(e) Applications presented hereunder will be considered for permanent certification, either with or without pregranted abandonment, notwithstanding that the contract rate may be in excess of the prevailing nationwide ceiling rate established in a prior opinion or order of this Commission.

(o) If the parties elect to commence deliveries as set forth in paragraph (n) of this section, such deliveries will be made at rates no higher than the prevailing nationwide ceiling rate and shall so continue for nine months unless the Commission has made its final order on the application at an earlier date; at the end of such nine-month period (if the Commission has not made its final order), the seller upon the filing of a notice of change in rate pursuant to § 154.94 of this chapter of the Commission's Regulations shall be entitled to receive without refund obligation and the purchaser shall be entitled to pay, the rates specified in the contract, and such contract rates shall continue as the effective rates until the Commission enters its final order on the certificate application.

6. Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than September 23, 1974, views, comments or suggestions in writing concerning all or part of the amendments proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, at the place above-stated, during regular business hours. The Commission will consider all such written submittals before taking further action on the matters proposed herein.

7. The publication of notice of the proposed amendment of § 2.75 made herein does not constitute a grant or denial of any or all of the petitions for rehearing filed by any party to Opinion No. 699 and order, issued June 21, 1974, in Docket No. R-389-B, and is without prejudice to any contention made by any party in its petition or application for rehearing or consideration filed in said proceeding.

8. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18842 Filed 8-14-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 438]

ADVERTISING, DISCLOSURE, COOLING OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., and section 553 of Subchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure), has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning proprietary vocational and home study schools.

Accordingly, the Commission proposes the following Trade Regulation Rule:

PART 438—ADVERTISING, DISCLOSURE, COOLING OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Sec.

438.1 Definitions.

438.2 The Rule.

AUTHORITY: 38 Stat. 717, as amended; (15 U.S.C. 41-58).

¹ Opinion No. 699, Docket No. R-389-B, issued June 21, 1974; as amended by Opinion No. 699-A, issued August —, 1974, — FPC — and —.

§ 438.1 Definitions.

For the purposes of this Part, the following definitions shall apply:

(a) *Seller.* (1) Any individual, firm, corporation, association or organization engaged in the operation of a privately owned school, studio, institute, office or other facility which offers residence or correspondence courses of study, training, or instruction purporting to prepare or qualify individuals for employment or training in any occupation, trade, or in work requiring mechanical, technical, business, trade, artistic, supervisory, clerical or other skills or purporting to enable a person to improve his skills in any of the above designated categories.

(2) Nothing in this Part shall be construed to affect in any way those engaged in the operation of not-for-profit residence or correspondence, public or private institutions of higher education which offer students at least a two-year program of accredited college level instruction which is generally acceptable for credit toward a bachelor's degree.

(b) *Buyer.* Any individual who purchases any correspondence or residence course of study, training, or instruction from any seller purporting to prepare or qualify individuals for employment or training in any occupation, trade, or work requiring mechanical, technical, business, trade, artistic, supervisory, clerical or other skills or purporting to enable a person to improve his skills in any of the above designated categories.

(c) *Total contract price.* The total price paid or to be paid by the buyer for the property or services including any and all equipment; ancillary services, such as but not limited to, charges for room and board which are the subject of the contract; and any finance charges determined in accordance with the Federal Reserve Regulation Z (12 CFR 226.4).

(d) *Course.* The term "course" means, but is not limited to education, training, or instruction consisting of a series of lessons or classes sold collectively, including lessons or classes which consist of several parts and are coordinated, arranged, or packaged to constitute a curriculum or program of instruction and sold collectively.

(e) *Combination course.* Any course that consists of both correspondence lessons and residence classes shall be treated as a residence course for the purpose of applying the advertising and disclosure requirements of this Part.

(f) *Enrollee.* A buyer who has affirmed his enrollment contract, whether or not he completes his course of study.

(g) *Failure to complete a course of study.* Includes any enrollee who drops out, is expelled, fails for academic reasons or does not complete a course within the time that is scheduled for that course's completion, including any enrollee who takes a leave of absence.

(h) *New course.* Any course of study which has substantially different course content and occupational objectives from any course of study previously offered by seller and which has been offered for

a period of time less than three (3) months after the graduation of one class, if offered by a residence school, or less than three (3) months after the completion of one fiscal year, if offered by a correspondence school.

(i) *New school.* Any school that has been in operation for a period of time less than three (3) months after the graduation of one class if a residence school or less than three (3) months after the completion of one fiscal year, if a correspondence school.

§ 438.2 The Rule.

In connection with the sale or promotion of any course of instruction by a proprietary home study or residence vocational school in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice for any such seller to fail to comply with the following requirements:

(a) *Employment and earnings claims.* (1) No written or broadcasted claim, direct or indirect, whether disseminated through the media, mails, or in any other manner shall be made with respect to:

(i) The general conditions or employment demand in any employment market now or at any time in the future; and

(ii) The amount of salary or earnings generally available to persons employed in any occupation.

(2) Unless it is substantiated according to the standards and confined to the format prescribed herein, no written or broadcasted claim, direct or indirect, disseminated through the media, mails, or in any other manner, shall be made with respect to:

(i) The specific employment opportunities available on demand for buyers who purchase seller's course of study; and

(ii) The specific amount of salary or earnings available to buyers who purchase seller's course of study.

(3) Written or broadcast claims subject to the exception in paragraph (a) (2) of this section shall be limited to claims substantiated by the seller's actual knowledge of his buyers' experiences in obtaining placement at specific salary levels in the employment positions for which seller's course of study prepares buyers. Actual knowledge shall be verified, at a minimum, by a list including the following information for each enrolled person who meets the requirements of paragraph (a) (4) of this section.

(i) His name, address and telephone number;

(ii) The name, address and telephone number of the firm or employer who hired each enrollee;

(iii) The name or title of the job position obtained;

(iv) The date on which the job position was obtained;

(v) His monthly or annual salary.

(4) Employment and earnings claims covered by paragraph (a) (2) of this section shall be confined to the following statements and no others, for each course for which such claims are made and if any one permitted statement is made, it shall be accompanied by the others:

(i) For correspondence courses of study, a statement of the total number of buyers whose enrollment terminated during the school's last fiscal year and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries obtained by such buyers; a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of graduates who graduated from seller's course during the last fiscal year. For purposes of this subparagraph (i), the last fiscal year shall be the most recent fiscal year that terminated at least three (3) months before the claim is made.

(ii) For the residence courses of study, a statement of the total number of buyers whose enrollment terminated during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries earned by such buyers; a statement of the percentage ratio of such buyers by salary ranges to the total number of buyers who were enrolled in the seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class; and a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of graduates who graduated from seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class. However, these statements must be based on the experiences of enrollees who resided at the time of their enrollment in the metropolitan area or State where the statements are made. For purposes of this subparagraph (ii) the most recent graduating class shall be that class which graduated at least three (3) months before the claim is made. *Provided however,* That where an employment or earnings claim covered by this paragraph (a) is made, the written or broadcasted claim must be presented so that each of the permitted statements appears in the same portion of the written or broadcasted claim and each is made in precisely the same form and with the same emphasis, including, but not limited to, the same size type or print, as all other statements covered by this paragraph (a).

(5) The foregoing (paragraph (a) (1) to (4)) shall not apply to any new course of instruction offered by seller or a course of study offered by seller at a

tion shall be confined to the following statements and no others, for each course for which such claims are made and if any one permitted statement is made, it shall be accompanied by the others:

(i) For correspondence courses of study, a statement of the total number of buyers whose enrollment terminated during the school's last fiscal year and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries obtained by such buyers; a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of graduates who graduated from seller's course during the last fiscal year. For purposes of this subparagraph (i), the last fiscal year shall be the most recent fiscal year that terminated at least three (3) months before the claim is made.

(ii) For the residence courses of study, a statement of the total number of buyers whose enrollment terminated during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries earned by such buyers; a statement of the percentage ratio of such buyers by salary ranges to the total number of buyers who were enrolled in the seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class; and a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of graduates who graduated from seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class. However, these statements must be based on the experiences of enrollees who resided at the time of their enrollment in the metropolitan area or State where the statements are made. For purposes of this subparagraph (ii) the most recent graduating class shall be that class which graduated at least three (3) months before the claim is made.

Provided however, That where an employment or earnings claim covered by this paragraph (a) is made, the written or broadcasted claim must be presented so that each of the permitted statements appears in the same portion of the written or broadcasted claim and each is made in precisely the same form and with the same emphasis, including, but not limited to, the same size type or print, as all other statements covered by this paragraph (a).

(5) The foregoing (paragraph (a) (1) to (4)) shall not apply to any new course of instruction offered by seller or a course of study offered by seller at a

new school. In lieu thereof seller shall confine any advertisement or any representation covered by paragraph (a) to actual job commitments made in writing by businesses and other prospective employers, wherein such prospective employers indicate that they will offer a specific number of jobs at specific salaries to buyers who complete seller's course of study.

Provided further, That seller's advertisements and representations shall be limited to the following statements:

This school has not been in operation long enough or this course of study has not been offered long enough to indicate how many enrolled students will obtain employment in positions for which this course trains them. However, [number] employers have indicated that they will make available [number] jobs to students who complete this course of study. [Number] jobs represent [%] of our expected total enrollees which will be [number].

(b) *Affirmative disclosure of drop-out rate and placement record.*¹ (1) After buyer has signed an enrollment contract seller shall make the following disclosures to buyer in the manner and method prescribed by paragraph (c) below:

(i) The total number of buyers who fail to complete the full course of study for the seller's most recent graduating class² if a residence school or the seller's most recent fiscal year³ if a correspondence school.

(ii) The percentage of buyers who fail to complete the full course of study, expressed as the percentage ratio of the number of buyers who fail to complete the full course of study as defined in paragraph (b) (1) (4) above to the total number of buyers who enrolled in that course of study for the seller's most recent graduating class² if a residence school of seller's most recent fiscal year³ if a correspondence school.

(2) If seller has made any oral, written or broadcasted earnings or employment representations to buyer then, after buyer has signed the enrollment contract, seller shall make the following disclosures to buyer in the manner and method prescribed by paragraph (c) below:

(i) For correspondence courses of study a statement of the total number of buyers whose enrollment terminated during the school's last fiscal year and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries obtained by such buyers; a statement of the percentage ratio of such buyers, by salary ranges, to the total number of buyers who were enrolled in seller's course during the last fiscal year;

and a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of buyers who graduated from seller's course during the last fiscal year. For purposes of this subparagraph (i) the last fiscal year shall be the most recent fiscal year that terminated at least three (3) months before the claim is made.

(ii) For residence courses of study a statement of the total number of buyers whose enrollment terminated during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries obtained by such buyers; a statement of the percentage ratio of such buyers, by salary ranges, to the total number of buyers who were enrolled in seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class; and a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of buyers who graduated from seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class. However, this disclosure must be based on the experiences of enrollees who resided at the time of their enrollment in the metropolitan area or State where the disclosure is being made. For purposes of this subparagraph (ii) the most recent graduating class shall be that class which graduated at least three (3) months before the claim is made.

(3) For each of the disclosures covered by paragraph (b) above, seller shall maintain complete records as provided in paragraph (a) (3) above.

(c) *Method of making disclosure of drop-out rate and placement record.*⁴

(1) After buyer signs an enrollment contract, seller shall mail to buyer, by certified mail, return receipt requested, a written form, in duplicate, containing the following information, and none other, except the Affirmation Statement required by paragraph (e) below, in bold face type of at least ten (10) points for each course of study offered to the buyer.

DISCLOSURE AND AFFIRMATION FORM FOR
[NAME OF SCHOOL]

DROP OUT AND PLACEMENT RECORD FOR
[COURSE] FOR PERIOD [DATE] TO [DATE]

(1) Total enrollments [number].

(2) Total who failed to complete the course [number] (as provided in paragraph (b) (1) (i) above).

(3) Percentage who failed to complete the course [%] (as provided in paragraph (b) (1) (ii) above).

(Seller shall use number (4) below if no oral, written or broadcasted earnings or employment representations have

⁴ See Appendices A and B for illustrations of Disclosure and Affirmation Forms for Correspondence and Residence Schools.

been made. If seller has made oral, written or broadcasted earnings or employment representations to buyer, seller shall use numbers (5), (6), (7), (8), and (9) below).

(4) This school has no information on the number or percentage of its students who obtain jobs in the occupation for which we train them. Consequently, this school and its representatives have no basis on which to make any representations or claims about job opportunities available to students who take [name of course]. Prospective students are advised that enrollment in this course should not be considered vocational training that will result in employment in job positions for which this course offers instruction.

OR,

(5) Total number of students who obtained employment in the position for which this course of study trained them [number] (as provided in paragraph (b) (2) above).

(6) Percentage of students who obtained employment in the position for which this course of study trained them [%] (as provided in paragraph (b) (2) above).

(7) Number and percentage of total enrollees who obtained employment in the following salary ranges [expressed in \$100 increments for monthly salaries or \$1,000 increments for yearly salaries]. [Dollars] to [dollars] per [month or year]: [Number] students which is [%] of total enrollees (as provided in paragraph (b) (2) above).

(8) Percentage of graduates who obtained employment in the position for which this course of study trained them [%] (as provided in paragraph (b) (2) above).

(9) Number and percentage of graduates who obtained employment in the following salary ranges [expressed in \$100 increments for monthly salaries or \$1,000 increments for yearly salaries]. [Dollars to dollars] per [month or year]: [Number] students which is [%] of total graduates (as provided in paragraph (b) (2) above).

(2) Where seller has instituted a new course of instruction or where seller has established a new school, the seller's disclosure as required by paragraph (b) of this section shall contain the following information, and none other, except the Affirmation Statement required by paragraph (e) below, in bold face type of at least ten (10) points:

IMPORTANT INFORMATION

This school has not been in operation long enough or this course of study has not been offered long enough to indicate how many enrolled students will complete their course of study or to indicate how many students who take this course of study will obtain employment in positions for which this course trains them.

Except that where the seller has received actual written job commitments from businesses and other prospective employers, seller may add the following statement to the disclosure required above:

However, [number] employers have indicated that they will make available [number] jobs to students who complete this course of study. [Number] jobs represent [%] percent of our expected total enrollees which will be [number].

(d) *Ten day affirmation and cooling-off period.*⁵ An enrollment contract be-

⁵ See Appendices A and B for illustrations of Disclosure and Affirmation Forms for Correspondence and Residence Schools.

¹ See Appendices A and B for illustrations of Disclosure and Affirmation Forms for Correspondence and Residence Schools.

² As most recent graduating class is defined in paragraph (a) (4) (ii).

³ As most recent fiscal year is defined in paragraph (a) (4) (i).

tween a seller and buyer will not be effective unless the buyer affirms that enrollment contract by signing and returning to seller the Disclosure and Affirmation Form specified in paragraph (e) below within ten (10) days of his receipt of that Form. If the buyer fails to affirm the enrollment contract within the ten (10) day period, seller shall consider the contract null and void, and within ten (10) business days of the expiration of the affirmation period, shall refund all monies paid by the buyer and cancel and return to buyer any evidence of indebtedness.

(e) *Disclosure and operation of ten (10) day cooling-off period.* (1) After receiving from the buyer his signed enrollment contract, seller shall mail to buyer, by certified mail return receipt requested, a one page form, in duplicate, that contains the placement and drop out disclosures required by paragraphs (b) (1) and (2), above, in the form required by paragraph (c), above; and at the bottom of the same form the following unsigned Affirmation Statement printed in bold face type of at least ten (10) points:

NOTICE TO THE BUYER

The enrollment contract that you signed with [name of school] on [date] to enroll in [name of course] is not effective or valid unless you first sign this statement and return it to the above named school within ten (10) days from the time that you received this statement. You are free to cancel your enrollment and receive a full refund of any monies you have paid to the school by not signing or mailing this statement within ten (10) days. At the expiration of this ten (10) day period the school has ten (10) business days to send you your refund (if any) and to cancel and return to you any evidence of indebtedness that you signed. However, if you do want to enroll in the above named school, you should sign your name below and mail this statement to the school within ten (10) days. Keep the duplicate copy for your own records.

(Date)

(Signature)

(2) The Disclosure and Affirmation Form shall not contain any information or representations other than the drop out and placement disclosures provided by paragraphs (b) (1) and (2) of this section, above, and the Affirmation Statement in paragraph (e) (1) above. Seller shall not send any document or material to buyer other than the Disclosure and Affirmation Form during the ten (10) day affirmation and cooling-off period that commences with buyer's receipt of the Disclosure and Affirmation Form.

(3) Sellers who are subject to the provisions of this section are exempted from compliance with the Federal Trade Commission's Trade Regulation Rule concerning a Cooling-Off Period for Door-to-Door Sales effective June 7, 1974.

* See Appendices A and B for Illustrations of Disclosure and Affirmation Forms for Correspondence and Residence Schools.

(f) *Refund upon cancellation.* (1) Upon cancellation of an affirmed contract the seller shall not receive, demand or retain more than a pro rata portion of the total contract price, plus a registration fee of five percent (5%) of the total contract price but not to exceed twenty-five dollars (\$25).

(2) The pro rata refund shall be determined by dividing the number of classes attended by buyer or held up to the time of buyer's cancellation or, for correspondence courses, the number of correspondence lessons submitted by the buyer prior to cancellation, by the total number of classes or lessons contained in the course, and then by multiplying the total contract price by the result thereof. This amount shall constitute the buyer's total obligation. The difference between this amount and the amount the buyer has already paid the seller shall constitute either the buyer's refund or the amount of the buyer's remaining obligation to the seller.

(3) Within ten (10) business days of the date of notification of cancellation, the seller must provide the buyer with his correct refund payment, if any, and must cancel that portion of the buyer's indebtedness that exceeds the amount due the seller under the refund formula of this section.

(g) *Disclosure of cancellation and refund.* (1) The seller shall furnish the buyer with a fully completed copy of the buyer's enrollment contract and in close proximity to the space reserved in the contract for the buyer's signature, and in bold face type of at least ten (10) points, include the following statement:

Notice to the buyer: Do not sign this contract before reading the provisions under the caption "Cancellation and Refund".

(2) For correspondence courses of study, the seller shall include in the contract in bold face type of at least ten (10) points the following provision:

CANCELLATION AND REFUND

You are free to cancel this contract at any time. You will have to pay only for lessons submitted to the school plus a registration fee of five percent (5%) of the total contract price, not to exceed twenty-five dollars (\$25).

You may cancel the contract by mailing or delivering to the school a signed and dated copy of the "Notice of Cancellation" sent to you by the school or by mailing or delivering to the school your own written letter of cancellation. Cancellation will be effective on the date of mailing or delivery. You may also cancel by failing to submit a lesson for ninety (90) days.

The amount you will have to pay for the lessons submitted will be determined by dividing the number of lessons submitted up to the time of your cancellation by the total number of lessons contained in the course. If, prior to cancellation, you have paid more than this amount plus the registration fee, the excess will be refunded to you within ten (10) business days.

(3) For residence courses of study, the seller shall include in the contract in bold face type of at least ten (10) points the following provision:

CANCELLATION AND REFUND

You are free to cancel this contract at any time. You will have to pay only for those classes the school has held prior to your cancellation plus a registration fee of five percent (5%) of the total contract price, not to exceed twenty-five dollars (\$25).

You may cancel the contract by mailing or delivering to the school a signed and dated copy of the "Notice of Cancellation" sent to you by the school or by mailing or delivering to the school your own written letter of cancellation. Cancellation will be effective on the date of mailing or delivery. You may also cancel by not attending scheduled classes nor in any other manner utilizing the school's facilities for thirty (30) days.

The amount you will have to pay for those classes the school has held will be determined by dividing those classes held up to the time of your cancellation by the total number of classes contained in the course. If, prior to cancellation, you have paid more than this amount plus the registration fee, the excess will be refunded to you within ten (10) business days.

(4) For a combination correspondence and residence course of study, the seller shall include in the contract in bold face type of at least ten (10) points the following provisions:

CANCELLATION AND REFUND

You are free to cancel this contract at any time. You will have to pay only for those correspondence lessons you submitted to the school and those residence classes held by the school prior to your cancellation plus a registration fee of five percent (5%) of the total contract price, not to exceed twenty-five dollars (\$25).

You may cancel the contract by mailing or delivering to the school a signed and dated copy of the "Notice of Cancellation" sent to you by the school or by mailing or delivering to the school your own written letter of cancellation. Cancellation will be effective on the date of mailing or delivery. You may also cancel by failing to submit a correspondence lesson for ninety (90) days or by not attending scheduled classes nor in any other manner utilizing the school's facilities for thirty (30) days.

The amount you will have to pay for the lessons submitted and the classes held will be determined by dividing those correspondence lessons submitted and those residence classes held up to the time of your cancellation by the total number of correspondence lessons and residence classes contained in the course. If, prior to cancellation, you have paid more than this amount plus the registration fee, the excess will be refunded to you within ten (10) business days.

(h) *Method of cancellation.* (1) After buyer has signed and affirmed an enrollment contract, seller shall furnish buyer with a postage pre-paid card, plus duplicate card, addressed to seller and captioned:

NOTICE OF CANCELLATION

I hereby cancel this contract.

(Date)

(Buyer's signature)

The buyer's cancellation is effective on the date that the buyer mails or delivers to the seller a signed and dated copy of the above described cancellation notice or any other written notice or, in the alternative;

(2) The buyer's cancellation is effective on the date that buyer gives the seller constructive notice of his intention to cancel his contract by failing to attend residence classes or failing to utilize residence instructional facilities for such a period of time, of 30 days or less, that the seller should reasonably conclude that the buyer has cancelled the contract; or for correspondence courses of instruction, by failing to submit a lesson for any period of 90 days.

(i) *Packaged courses and/or services.* Where seller offers a course of instruction involving two or more segments, and sells them together as a unit at a single price, then seller shall add the segments together and use the entire period in calculating buyer's refund, even if one or more of the segments is offered as "free". Where seller offers a course of instruction consisting of both correspondence lessons and residence classes, the total number of lessons and classes shall be added together for the purpose of calculating the refund.

APPENDIX A—DISCLOSURE AND AFFIRMATION FORM (FOR CORRESPONDENCE SCHOOLS THAT HAVE MADE EARNINGS OR EMPLOYMENT REPRESENTATIONS)

(Name of school)

DROP OUT AND PLACEMENT RECORD FOR AIR CONDITIONING AND REFRIGERATION COURSE FOR THE PERIOD JANUARY 1, 1973 TO DECEMBER 31, 1973

1. Total enrollees—1,500.
2. Total who failed to complete the course—1050.
3. Percentage who failed to complete the course—70 percent.
4. Total number of students who obtained employment in the position for which this course of study prepared them—60.
5. Percentage of students who obtained employment in the position for which this course of study prepared them—4 percent of total enrollees.
6. Percentage of graduates who obtained employment in the position for which this course of study trained them—11 percent of graduates.
7. Number and percentage of total enrollees and graduates who obtained employment in the following salary ranges:

\$5,000—\$5,999 per year: 30 students which is 2 percent of total enrollees and 7 percent of total graduates.

\$6,000—\$6,999 per year: 30 students which is 2 percent of total enrollees and 7 percent of total graduates.

Notice to the buyer: The enrollment contract that you signed with (name of school) on (date) to enroll (name of course) is not effective or valid unless you first sign this statement and return it to the above named school within ten (10) days from the time that you received this statement. You are free to cancel your enrollment and receive a full refund of any monies you have paid to the school by not signing or mailing this statement within ten (10) days. At the expiration of this ten (10) day period the school has ten (10) business days to send you your refund (if any) and to cancel and return to you any evidence of indebtedness that you signed. However, if you do want to enroll in the above named school, you should sign your name below and mail this statement to the school within ten (10) days.

Keep the duplicate copy for your own records.

(Date)

(Signature)

APPENDIX B—DISCLOSURE AND AFFIRMATION FORM (FOR RESIDENCE SCHOOLS THAT HAVE MADE EARNINGS OR EMPLOYMENT REPRESENTATIONS)

(Name of school)

DROP OUT AND PLACEMENT RECORD FOR COMPUTER PROGRAMING COURSE FOR THE LAST GRADUATING CLASS (JANUARY 2, 1973 TO JUNE 29, 1973)

1. Total enrollees—200.
2. Total who failed to complete the course—150.
3. Percentage who failed to complete the course—75 percent.
4. Total number of students who obtained employment in the positions for which this course of study prepared them—20.
5. Percentage of students who obtained employment in the positions for which this course of study prepared them—10 percent of total enrollees.
6. Percentage of graduates who obtained employment in the position for which this course of study trained them—35 percent of graduates.
7. Number and percentage of total enrollees and graduates who obtained employment in the following salary ranges:

\$5,000—\$5,999 per year: 10 students which is 5 percent of total enrollees and 17 percent of total graduates.

\$6,000—\$6,999 per year: 10 students which is 5 percent of total enrollees and 17 percent of total graduates.

Notice to the buyer: The enrollment contract you signed with (name of school) on (date) to enroll in (name of course) is not effective or valid unless you first sign this statement and return it to the above named school within ten (10) days from the time that you received this statement. You are free to cancel your enrollment and receive a full refund of any monies you have paid to the school by not signing or mailing this statement within ten (10) days. At the expiration of this ten (10) day period the school has ten (10) business days to send you your refund (if any) and to cancel and return to you any evidence of indebtedness that you signed. However, if you do want to enroll in the above named school you should sign your name below and mail this statement to the school within ten (10) days. Keep the duplicate copy for your own records.

(Date)

(Signature)

All interested persons, including the consuming public, are hereby notified that they may submit written data, views or arguments concerning the proposed rule with the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580 not later than November 15, 1974.

All interested persons are also hereby given notice of opportunity to orally present data, views or arguments with respect to the proposed rule at public hearings to be held in the following places on the dates below and commencing at 10 a.m. on each of the days specified.

1. Boston, Massachusetts

Auditorium Room 304
J. W. McCormack
Post Office and Court House Building
Post Office Square
Boston, Massachusetts

Public hearing will be held on November 18, 19, and 20, 1974.

2. New York, New York

2200 Hearing Room C
2243-EB Federal Building
26 Federal Plaza
New York, New York

Public hearing will be held on December 2, 3, and 4, 1974.

3. Washington, D.C.

Room 532
Federal Trade Commission
Sixth and Pennsylvania Avenue, NW.
Washington, D.C.

Public hearing will be held on December 16, 17, and 18, 1974.

4. Chicago, Illinois

Room 1665
Everett McKinley Dirksen
Federal Building
219 South Dearborn Street
Chicago, Illinois

Public hearing will be held on January 13, 14, and 15, 1975.

5. San Francisco, California

Room 12138-a
Federal Building
450 Golden Gate Avenue
San Francisco, California

Public hearing will be held on January 27, 28, and 29, 1975.

6. Los Angeles, California

Room 13209
Federal Building
11000 Wilshire Boulevard
Los Angeles, California

Public hearing will be held on February 3, 4, and 5, 1975.

Any person desiring to orally present his views at any of the scheduled hearings should so inform the appropriate representative listed below not later than seven (7) days prior to commencement of the particular hearing at which the person wishes to be heard. Reasonable limitations upon the length of time allotted to any person may be imposed and persons wishing to deliver prepared statements will be required to file such statements with the appropriate representative listed below. To the extent practicable persons wishing to file written presentations in excess of two pages should submit twenty copies.

1. Boston, Massachusetts 02114

Mr. Marc A. Comras
Federal Trade Commission
150 Causeway Street

2. New York, New York 10007

Ms. Alice T. Petizon
Federal Trade Commission
26 Federal Plaza
22nd Floor

3. Washington, D.C. 20580

Mr. William D. Dixon
Federal Trade Commission
633 Indiana Avenue, NW.

4. Chicago, Illinois 60603

Mr. Jerome S. Lamet
Federal Trade Commission
Suite 1437
55 East Monroe Street

5. San Francisco, California 94102

Ms. Seela Lewis
Federal Trade Commission
450 Golden Gate Avenue

6. Los Angeles, California 90024

Mr. Kendall H. MacVey
Federal Trade Commission
13209 Federal Building
11000 Wilshire Boulevard

The data, views or arguments presented with respect to the proposed rule will be available for examination by interested parties in Room 130 of the Division of Legal and Public Records,

Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations or others engaged in the operation of a proprietary vocational or home study school in commerce as "commerce" is defined in the Federal Trade Commission Act may be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Issued: August 15, 1974.

By the Commission.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-18724 Filed 8-14-74; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Air Force

ARMY AND AIR FORCE EXCHANGE AND
MOTION PICTURE SERVICES CIVILIAN
ADVISORY COMMITTEE

Notice of Meeting

AUGUST 15, 1974.

The Civilian Advisory Committee to the Board of Directors, Army and Air Force Exchange and Motion Pictures Services, will hold a closed meeting on September 11, 1974 at Headquarters, Army and Air Force Exchange Service, Dallas, Texas 75222.

The purpose of the meeting is to furnish commercial and financial information and advice of a privileged or confidential nature to the Board of Directors on one or more matters under consideration by the Board.

Any persons desiring information about the committee may telephone (202-697-3336) or write the Executive Secretary, Board of Directors, Army and Air Force Exchange and Motion Picture Services, Room 5E 479, The Pentagon, Washington, D.C. 20310.

HARLAN W. TUCKER,

Colonel, USA,

Executive Secretary, AAFEMPS.

[FR Doc.74-18794 Filed 8-14-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m. September 23, 1974.

COPPER RIVER MERIDIAN, ALASKA

T. 9 N., R. 2 W.,
Sec. 23: lots 1, 2, 3, 4, 5, and 6, E $\frac{1}{2}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24: all;
Sec. 25: lots 1, 2, 3, 4, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26: lots 1, 2, 3, 4, and 5;
Sec. 36: lots 1, 2, 3, 4, 5, 6, 7, and 8,
S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

Containing 1,999.87 acres.

2. The land encompassing this survey lies on the east side of the Gulkana River and encompasses the small settlement of Sourdough, Alaska. The Richardson Highway traverses across sections 24, 25, and 36.

The land is nearly level to rolling. Most of the rolling land is along Sourdough Creek, which traverses across sections 24 and 25.

The timber is mostly black spruce on the higher ground, with white spruce and aspen in the creek bottom. Undergrowth consists of willow and alder brush and berry bushes.

U.S. Surveys Nos. 8170 and 4424 are situated in the northerly portion of section 26 and southerly portion of section 25.

3. The public lands affected by this order are open to the operation of the

public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

CLARK R. NOBLE,

Land Office Manager, Land
Office, Anchorage, Alaska.

AUGUST 8, 1974.

[FR Doc.74-18789 Filed 8-14-74;8:45 am]

[S 1491]

CALIFORNIA

Proposed Withdrawal and Reservation of
Minerals

AUGUST 7, 1974.

The Corps of Engineers, Sacramento District, Department of the Army, Sacramento, California, has filed an amended application, serial No. S 1491, to withdraw the mineral estate reserved to the United States under the "Stock Raising Homestead Act," of December 29, 1916, in the following described patented lands, from all forms of appropriation under the mineral leasing laws and from the mining laws (30 U.S.C. Chapter 2), for use in connection with the New Melones Lake Project.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing, on or before September 16, 1974, to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for these resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the minerals will be withdrawn as requested.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The minerals involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 N., R. 13 E.,
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 15, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$
NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$
SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 450 acres in Calaveras and Tuolumne Counties.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-18791 Filed 8-14-74;8:45 am]

[NM 22537]

NEW MEXICO

Application

AUGUST 9, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 30 E.,
Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This pipeline will convey natural gas across .677 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-18785 Filed 8-14-74;8:45 am]

[NM 20566]

NEW MEXICO

Application

AUGUST 9, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 2 $\frac{3}{4}$ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 9 W., Sec. 8, S $\frac{1}{2}$ NW $\frac{1}{4}$.

This pipeline will convey natural gas across 0.073 mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-18786 Filed 8-14-74;8:45 am]

[NM 19974, NM 21139]

NEW MEXICO Applications

AUGUST 8, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
T. 22 S., R. 30 E.,
Sec. 11, W½NE¼.
T. 24 S., R. 26 E.,
Sec. 33, S½NW¼.

These pipelines will convey natural gas across 0.695 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 74-18787 Filed 8-14-74; 8:45 am]

[New Mexico 21791]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1974.

The Corps of Engineers, Department of the Army, has filed an application, Serial No. NM 21791 for the withdrawal of the lands described below from all forms of entry including the general mining and the mineral leasing laws. The applicant desires the lands for the construction, operation and maintenance of the Very Large Array Radio Telescope Project of the National Science Foundation.

On or before September 16, 1974, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, P.O. Box 1449, Santa Fe, New Mexico 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other

than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

A strip of land situate in the N½ of Section 8, Township 3 South, Range 7 West, of the New Mexico Principal Meridian, Socorro County, New Mexico.

Said strip of land being 3942.41 feet long and 600 feet wide, parallel to, 300 feet to the right of and 300 feet to the left of, measured at right angles to the following described centerline as located and constructed on the ground:

Beginning at a point on the north boundary of Section 8, Township 3 South, Range 7 West, N.M.P.M., that bears N. 89°52'41.5" E., a distance of 1469.56 feet from the section corner common to sections 5, 6, 7 and 8, Township 3 South, Range 7 West, N.M.P.M.;
Thence S. 65°07'24.1" E., a distance of 1636.56 feet to a point;
Thence S. 65°07'22.5" E., a distance of 1778.86 feet to a point;

Thence S. 65°07'24.5" E., a distance of 526.73 feet to a point on the north right-of-way line of old U.S. Highway No. 60, that bears S. 09°39'41.2" W., a distance of 1690.52 feet from the section corner common to sections 4, 5, 8 and 9, Township 3 South, Range 7 West, N.M.P.M., Socorro County, New Mexico, containing an area of 53.42 acres, more or less.

A strip of land situate in the SE¼NE¼ of section 8 and the S½NW¼ and the S½ of section 9, Township 3 South Range 7 West, of the New Mexico Principal Meridian, Socorro County, New Mexico.

Said strip of land being 5968.09 feet long and 600 feet wide, parallel to, 300 feet to the right of and 300 feet to the left of, measured at right angles to the following described centerline and constructed on the ground:

Beginning at a point on the south right-of-way of old U.S. Highway No. 60, that bears S. 01°54'16.3" W., a distance of 1771.77 feet from the section corner common to sections 4, 5, 8 and 9, Township 3 South, Range 7 West, N.M.P.M.;

Thence S. 65°07'24.4" E., a distance of 73.48 feet to a point;

Thence S. 65°07'24.6" E., a distance of 2949.46 feet to a point;

Thence S. 65°07'26.9" E., a distance of 2945.16 feet to a point on the east boundary of section 9, Township 3 South, Range 7 West, N.M.P.M., Socorro County, New Mexico, containing an area of 82.21 acres, more or less.

A strip of land situate in the S½ of section 10, S½ of section 13, section 14, N½ of section 15 and the N½ of section 24, Township 3 South, Range 7 West and the NW diagonal ½ of section 19, Township 3 South, Range 6 West of the New Mexico Principal Meridian, Socorro County, New Mexico.

Said strip of land being 20,490.96 feet long, and 600 feet wide, parallel to, 300 feet to the right of, and 300 feet to the left of, measured at right angles to the following described centerline as located and constructed on the ground:

Beginning at a point on the west boundary of section 10, Township 3 South, Range 7 West, N.M.P.M., that bears N. 0°10'09" W., a distance of 1003.91 feet from the section corner common to sections 9, 10, 15 and 16, Township 3 South, Range 7 West, N.M.P.M., Socorro County, New Mexico;

Thence S. 65°07'27" E., a distance of 1311.85 feet to a point;

Thence S. 65°07'28.7" E., a distance of 2007.53 feet to a point;

Thence S. 65°07'30.5" E., a distance of 1610.99 feet to a point;

Thence S. 65°07'31.7" E., a distance of 923.87 feet to a point;

Thence S. 65°07'31.5" E., a distance of 256.58 feet to a point;

Thence S. 65°07'31.8" E., a distance of 5123.47 feet to a point;

Thence S. 65°07'32.6" E., a distance of 4377.84 feet to a point;

Thence S. 65°07'35.2" E., a distance of 3276.69 feet to a point;

Thence S. 65°07'37.9" E., a distance of 1602.14 feet to a point that bears S. 41°58'46.1" W., a distance of 3369.43 feet from the section corner common to sections 17, 18, 19 and 20, Township 3 South, Range 6 West, N.M.P.M., Socorro County, New Mexico, containing an area of 282.25 acres, more or less.

A strip of land situate in the southeast diagonal ½ of section 19 and the S½ of section 20, Township 3 South, Range 6 West of the New Mexico Principal Meridian, Socorro County, New Mexico.

Said strip of land being 6427.55 feet long and 600 feet wide, parallel to, 300 feet to the right of and 300 feet to the left of, measured at right angles to the following described centerline as located and constructed on the ground:

Beginning at a point that bears S. 41°58'46.1" W., a distance of 3369.43 feet from the section corner common to sections 17, 18, 19 and 20, Township 3 South, Range 6 West, N.M.P.M., Socorro County, New Mexico;

Thence S. 65°07'37.9" E., a distance of 3012.21 feet to a point;

Thence S. 65°07'38.9" E., a distance of 3415.34 feet to a point on the south boundary of said section 20, that bears S. 88°56'01" W., a distance of 1645.60 feet from the section corner common to sections 20, 21, 28 and 29, Township 3 South, Range 6 West, N.M.P.M., Socorro County, New Mexico, containing an area of 83.53 acres, more or less.

Less and except New Mexico State Highway No. 52 as located across the SE¼ of section 20, Township 3 South, Range 6 West, N.M.P.M., Socorro County, New Mexico.

A strip of land situate in the W½NE¼ and the NW¼ of section 11, Township 3 South, Range 8 West of the New Mexico Principal Meridian, Socorro County, New Mexico.

Said strip of land being 3488.72 feet long and 600 feet wide, parallel to, 300 feet to the right of and 300 feet to the left of, measured at right angles to, the following described centerline as located and constructed on the ground:

Beginning at a point on the north boundary of section 11, common to the south boundary of section 2, Township 3 South, Range 8 West, N.M.P.M., Socorro County, New Mexico, that bears N. 89°40'42.9" W., a distance of 2428.32 feet from the section corner common to sections 1, 2, 11 and 12, Township 3 South, Range 8 West, N.M.P.M., Socorro County, New Mexico;

Thence S. 55°52'40.7" W., a distance of 3488.72 feet to a point on the west boundary

of said section 11, Township 3 South, Range 8 West, N.M.P.M., that bears S. 0°08'15.2" E., a distance of 1973.26 feet from the section corner common to sections 2, 3, 10 and 11, Township 3 South, Range 8 West, N.M.P.M., Socorro County, New Mexico, containing an area of 48.05 acres, more or less.

A strip of land situate in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 9 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the S $\frac{1}{2}$ of section 10, Township 3 South, Range 8 West of the New Mexico Principal Meridian, Socorro County, New Mexico.

Said strip of land being 5939.48 feet long and 600 feet wide, parallel to, 300 feet to the right of and 300 feet to the left of, measured at right angles to the following described centerline as located and constructed on the ground:

Beginning at a point on the east boundary of section 10, common to the west boundary of section 11, Township 3, R. 8 West, N.M.P.M., that bears S. 0°08'15.2" E., a distance of 1973.26 feet from the section corner common to sections 2, 3, 10 and 11, Township 3 South, Range 8 West, N.M.P.M., Socorro County, New Mexico;

Thence S. 55°52'41.8" W., a distance of 5939.48 feet to a point on the south boundary of said section 10, Township 3 South, Range 8 West, N.M.P.M., that bears S. 89°26'57.8" E., a distance of 371.44 feet from the section corner common to sections 9, 10, 15 and 16, Township 3 South, Range 8 West, N.M.P.M., Socorro County, New Mexico, containing an area of 81.81 acres, more or less.

Also a triangular tract or parcel of land situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15, Township 3 South, Range 8 West of the New Mexico Principal Meridian, Socorro County, New Mexico, being more particularly described by metes and bounds as follows:

Beginning at a point on the section corner common to sections 9, 10, 15 and 16, Township 3 South, Range 8 West, N.M.P.M., Socorro County, New Mexico;

Thence S. 89°26'57.8" E., along the north boundary of section 15, Township 3 South, Range 8 West, N.M.P.M., a distance of 898.80 feet to a point;

Thence S. 55°52'43.8" W., a distance of 1056.23 feet to a point on the west boundary of said section 15;

Thence N. 02°18'57" W., along the west boundary of said section 15, a distance of 601.65 feet to the original point of beginning, containing an area of 6.20 acres, more or less.

A strip of land situated in the E $\frac{1}{2}$ and SW $\frac{1}{4}$ of section 19, Township 3 South, Range 8 West of the New Mexico Principal Meridian, Socorro County, New Mexico.

Said strip of land being 5560.56 feet long and 600 feet wide, parallel to, 300 feet to the right of and 300 feet to the left of, measured at right angles to the following described centerline as located and constructed on the ground;

Beginning at a point on the east boundary of section 19, Township 3 South, Range 8 West, N.M.P.M., that bears N. 0°22'09" W., a distance of 3151.04 feet from the section corner common to sections 19, 20, 30 and 31, Township 3 South, Range 8 West, N.M.P.M.;

Thence S. 55°52'48" W., a distance of 3852.90 feet to a point;

Thence S. 55°52'49.9" W., a distance of 1707.66 feet to a point on the south boundary of section 19, Township 3 South, Range 8 West, N.M.P.M., which point bears S. 89°36'16.5" E., a distance of 741.97 feet from the section corner common to sections 19 and 30, Township 3 South, Range 8 West, and sections 24 and 25, Township 3 South, Range 9 West, N.M.P.M., Catron County, New Mexico, containing an area of 76.59 acres, more or less.

A strip of land situate in section 25, Township 3 South, Range 9 West of the New Mexico

Principal Meridian, Catron County, New Mexico.

Said strip of land being 6374.96 feet long and 600 feet wide, parallel to, 300 feet to the right of and 300 feet to the left of, measured at right angles to the following described centerline as located and constructed on the ground:

Beginning at a point on the east boundary of section 25, Township 3 South, Range 9 West, N.M.P.M., Catron County, New Mexico, that bears S. 0°23'58" E., a distance of 505.45 feet from the section corner common to sections 19 and 30, Township 3 South, Range 8 West, Socorro County and sections 24 and 25, Township 3 South, Range 9 West, N.M.P.M., Catron County, New Mexico.

Thence S. 55°52'50" W., a distance of 778.38 feet to a point;

Thence S. 55°52'51.5" W., a distance of 5596.58 feet to a point on the west boundary of said section 25, that bears N. 01°12'03" W., a distance of 1275.11 feet from the section corner common to sections 25, 26, 35 and 36, Township 3 South, Range 9 West, N.M.P.M., Catron County, New Mexico, containing an area of 87.81 acres, more or less.

A strip of land situate in the SE $\frac{1}{4}$ of section 26, Township 3 South, Range 9 West of the New Mexico Principal Meridian, Catron County, New Mexico.

Said strip of land being 2300.42 feet long and 600 feet wide, parallel to, 300 feet to the right of and 300 feet to the left of, measured at right angles to the following described centerline as located and constructed on the ground:

Beginning at a point on the east boundary of section 26, Township 3 South, Range 9 West, N.M.P.M., that bears N. 01°12'03" W., a distance of 1275.11 feet from the section corner common to sections 25, 26, 35 and 36, Township 3 South, Range 9 West, N.M.P.M., Catron County, New Mexico;

Thence S. 55°52'51.5" W., a distance of 78.51 feet to a point;

Thence S. 55°52'51.4" W., a distance of 2221.91 feet to a point on the south boundary of said section 26, that bears S. 89°32'23" W., a distance of 1931.24 feet from the section corner common to sections 25, 26, 35 and 36, Township 3 South, Range 9 West, N.M.P.M., Croton County, New Mexico, containing an area of 32.69 acres, more or less.

The areas described aggregate 839.56 acres, more or less, of land in Socorro and Croton Counties.

MICHAEL T. SOLAN,
Chief, Division of
Technical Services.

[FR Doc.74-18788 Filed 8-14-74; 8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL LEASING MAPS, GULF OF MEXICO

Availability

Notice is hereby given that the following official Outer Continental Shelf leasing maps for the Gulf of Mexico are now available:

Corpus Christi, NG 14-3 (27°-96°)
Port Isabel, NG 14-6 (26°-96°)
Bay City South No. 1, NG 15-4 (26°-94°)
Garden Banks South No. 1, NG 15-5 (26°-92°)
New Orleans South No. 2, NG 15-6 (26°-90°)
Mobile South No. 3, NG 16-1 (27°-88°)
Fort Myers West No. 2, NG 16-6 (26°-84°)
Pensacola South No. 2, NG 16-11 (28°-86°)

These maps may be purchased for \$2.00 each from the Manager, Gulf of

Mexico Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113.

CURT BERKLUND,
Director, Bureau of
Land Management.

[FR Doc.74-18783 Filed 8-14-74; 8:45 am]

[INT FES 74-45]

KING RANGE MANAGEMENT PROGRAM

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the proposed King Range Management Program in Humboldt and Mendocino Counties, California.

The environmental statement considers the impacts of designation of the Area's boundaries, development of a multiple-use plan and implementation program and draft regulations governing land exchange and mining in the Area.

Copies are available for inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240, telephone (202) 343-5717.

State Director, Bureau of Land Management, 2800 Cottage Way, Rm. E-2841, Sacramento, California 95825, telephone (916) 484-4541.

District Manager, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, telephone (707) 462-3873.

A limited number of single copies are available and may be obtained by writing the State Director. Please refer to the statement number above.

Dated: August 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.74-18881 Filed 8-13-74; 1:26 pm]

Office of the Secretary OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on September 9 and 10, 1974 at the U.S. Bureau of Mines Energy Research Center, Laramie, Wyoming. The Panel will assemble at 1:30 p.m., on Monday, September 9 at Ninth and Lewis Streets, and the meeting will conclude at 4:30 p.m., on Tuesday, September 10.

The Panel was established to assist the Department of the Interior in the performance of functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of the meeting is to be briefed on Bureau of Mines Oil Shale research and tour the Laramie

facility; the adoption of policy guidelines; to consider alternative water sources for development of Federal oil shale leases; consider exploration plans for the Utah lease tracts; and to receive reports from Departmental officials.

The meeting is open to the public. It is expected that space will permit at least 70 persons to attend the session in addition to the Panel members. Interested persons may make brief presentations to the Panel or file written statements. Requests should be made to Mr. William L. Rogers, Chairman, Office of the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 820-A, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone No. (303) 234-3275. Minutes of the meeting will be available for public inspection thirty days after the meeting at the Panel office.

Dated: August 9, 1974.

ROLAND G. ROBISON, Jr.,
Acting Deputy Assistant Secretary of the Interior for Land and Water Resources.

[FR Doc. 74-18793 Filed 8-14-74; 8:45 am]

[INT. DES. 74-76]

USE OF STEEL SHOT FOR HUNTING WATERFOWL IN THE UNITED STATES

Notice of Availability of Draft Environmental Statement; Correction

In FR Document 74-16806 appearing on page 26764 in the issue of Tuesday, July 23, 1974, paragraph one is amended to read as follows:

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the Use of Steel Shot for Hunting Waterfowl in the United States, and invites written comments by November 15, 1974.

Dated: August 9, 1974.

DOUGLAS P. WHEELER,
Acting Assistant Secretary of the Interior.

[FR Doc. 74-18751 Filed 8-14-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number AO61]

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in South Dakota:

Dewey
Ziebach

The Secretary of Agriculture has found that this need exists as a result of a

natural disaster consisting of drought from March 1, 1974, to August 5, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 4, 1974, for physical losses and May 6, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of August 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 74-18759 Filed 8-14-74; 8:45 am]

Forest Service

MULTIPLE USE PLAN LIBBY FACE PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Multiple Use Plan, Libby Face Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) RI-74-69.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Libby Face Planning Unit, Libby Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 67,400 acres of National Forest lands which have been stratified into seven management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on August 7, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. and Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801
Supervisor's Office
Kootenai National Forest
418 Mineral Avenue
Libby, MT 59923

Libby Ranger District
Libby Ranger Station
Libby, MT 59923

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester,
Northern Region, Forest
Service.

AUGUST 7, 1974.

[FR Doc. 74-18790 Filed 8-14-74; 8:45 am]

MULTIPLE USE PLAN—WARD-EAGLE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for implementation of a revised Multiple Use Plan for the Ward-Eagle Planning Unit, Lolo National Forest, Mineral County, State of Montana; Forest Service report number USDA-FS-DES (Adm.) R1-75-3.

The environmental statement concerns a proposed Multiple Use Plan intended to provide the District Ranger with general management guidance for the 31,770 acres of National Forest land in the Ward-Eagle Planning Unit. The planning unit is subdivided into nine management units having similar resource potentials and problems.

This draft environmental statement was filed with CEQ on August 7, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. and Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA, Forest Service
Lolo National Forest
Building 24, Fort Missoula
Missoula, MT 59801

USDA, Forest Service
Superior Ranger District
Superior, MT 59872

A limited number of single copies are available upon request to Forest Supervisor Jack Large, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which

comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Jack Large, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801. Comments must be received by October 7, 1974, in order to be considered in the preparation of the final environmental statement.

DAVID C. TERRY,
Acting Regional Forester,
Northern Region, Forest
Service.

AUGUST 7, 1974.

[FR Doc.74-18792 Filed 8-14-74; 8:45 am]

NORTH RIVER UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the North River Planning Unit, George Washington National Forest, Virginia, USDA-FS-R8-FES (Adm.)-74-4.

The environmental statement concerns the proposed management direction and resource allocation for a portion of the George Washington National Forest, known as the North River Planning Unit.

This final environmental statement was transmitted to CEQ on August 7, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., N.W., Room 804
Atlanta, Georgia 30309

USDA, Forest Service
George Washington National Forest
Federal Building
Harrisonburg, Virginia 22801

A limited number of single copies are available upon request to Robert W. Cermak, Forest Supervisor, George Washington National Forest, P.O. Box 233, Harrisonburg, Virginia 22801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

F. LEROY BOND,
Regional Forester.

AUGUST 7, 1974.

[FR Doc.74-18799 Filed 8-14-74; 8:45 am]

Soil Conservation Service

PINE CREEK WATERSHED, TEXAS

Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6e of the Council on En-

vironmental Quality Guidelines issued on August 1, 1973; and § 650.8(b)(c) of 39 FR 19651 issued on June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for floodwater retarding structure number 5, an independent portion of Pine Creek Watershed, Lamar County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the independent portion of the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental statement is not needed for the independent portion of this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement for the independent portion include one single purpose floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

First National Bank Building
Temple, Texas 76501

No administrative action of implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 9, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.74-18761 Filed 8-14-74; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF BULK LUMBER CARRIERS

Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of bulk lumber carriers of about 40,000 dwt. This notice supersedes the "notice of intent" dated September 18, 1973, for the same size vessel, which was published in the FEDERAL REGISTER of September 24, 1973.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on August 30, 1974, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building,

14th & E Streets NW., Washington, D.C. 20230.

Dated: August 12, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-18843 Filed 8-14-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging COMMITTEE ON AGING RESEARCH AND MANPOWER

Notice of Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29, May 3, 1973) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

The Committee on Aging Research and Manpower of the Council will meet on September 9, 9 a.m. to 5 p.m. in the offices of the Federal Council on the Aging, Room 4022, Donohoe Building, 400 6th Street, SW., Washington, D.C. The agenda will consist of the following items: delineate Committee functions within broad mission assigned by Council, identify and develop recommendations and priorities about national policy issues within Committee's jurisdiction and initiate plans for evaluating the relationships between and among the Administration on Aging, the National Institute on Aging and other Federal agencies with aging research and manpower training missions. Meeting open to public observation.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

AUGUST 2, 1974.

[FR Doc.74-18781 Filed 8-14-74; 8:45 am]

Food and Drug Administration

[DESI 9947; Docket No. FDC-D-526;
NDA 13-217]

METAXALONE TABLETS

Drug Efficacy Study Implementation

In the FEDERAL REGISTER of November 16, 1972 (37 FR 24374), the Commissioner of Food and Drugs published a notice of opportunity for hearing on his proposal to withdraw approval of the new drug application for the following drug product:

Skelaxin Tablets containing metaxalone; A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, VA 23220 (NDA 13-217).

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved

new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The basis of the proposed withdrawal of approval was the lack of substantial evidence of effectiveness. Robins requested a hearing and the material submitted in support of the request has been under review.

Based upon information submitted by the manufacturers of skeletal muscle relaxant drugs and a review of available evidence, the Commissioner has concluded that new evidence in the form of adequate and well-controlled studies has demonstrated that the so-called "skeletal muscle relaxants" are effective in the treatment of discomfort associated with acute, painful musculo-skeletal conditions. Accordingly, the notice of opportunity for hearing published November 16, 1972 is rescinded and the conclusions concerning the drug are set forth below.

Such drugs are regarded as new drug (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concluded that the drug is effective for the indications described below and lacks substantial evidence of effectiveness for other indications.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described below.

1. Form of drug: The product is in tablet form suitable for oral administration.

2. Labeling conditions: a. The label bears the statement, "Caution: Federal law prohibits without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The indications are as follows:

As an adjunct to rest, physical therapy, and other measures for the relief of discomfort associated with acute, painful musculo-skeletal conditions. The mode of action of this drug has not been clearly identified, but may be related to its sedative properties.

Metaxalone does not directly relax tense skeletal muscles in man.

3. Marketing status. Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. Notice of opportunity for hearing. On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products

subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 16, 1974, a written notice of appearance and request for hearing, and (2) on or before October 15, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during regular business hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 6363, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (HFD-100),
Bureau of Drugs.

Original abbreviated new drug applications (Identify as such): Generic Drug Staff (HFD-107), Office of Scientific Evaluation, Bureau of Drugs.

Submissions pursuant to the notice of opportunity for hearing (Identify with docket number): Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD-8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

(Sec. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121.)

Dated: August 1, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 74-18736 Filed 8-14-74; 8:45 am]

[DESI 11300; Docket No. FCD-D-684;
NDA 11-300]

ORAL PREPARATIONS CONTAINING CHLORZOXAZONE

Drug Efficacy Study Implementation

The Food and Drug Administration published a notice in the *Federal Register* of September 11, 1969 (34 FR 14299) regarding the efficacy of the following drug:

Chlorzoxazone 250 mg. per tablet (Paraflex); marketed by McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, PA 19034 (NDA 11-300).

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

Other drugs included in the notice of September 11, 1969 are not affected by this notice.

The notice stated that the drug was regarded as possibly effective and lacking substantial evidence of effectiveness for its labeled indications.

Based on information submitted by the manufacturers of skeletal muscle relaxant drugs and a review of available evidence, the Director of the Bureau of Drugs has concluded that new evidence in the form of adequate and well-controlled studies has demonstrated that the so-called "skeletal muscle relaxants" are effective in the treatment of discomfort associated with acute, painful musculoskeletal conditions, as set forth below.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. The drug is effective for the indications described below.

2. The drug lacks substantial evidence of effectiveness for all other indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. Form of drug: The product is in tablet form suitable for oral administration.

2. Labeling conditions: a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The Indications are as follows:

Chlorzoxazone is indicated as an adjunct to rest, physical therapy, and other measures for the relief of discomfort associated with acute, painful musculo-skeletal conditions. The mode of action of this drug has not been clearly identified, but may be related to its sedative properties. Chlorzoxazone does not directly relax tense skeletal muscles in man.

3. *Marketing status:* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the *Federal Register* July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a) (5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord

with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310.314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 16, 1974, a written notice of appearance and request for hearing, and (2) on or before October 15, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice may not thereafter lawfully be

marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during regular business hours, Monday through Friday.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11300, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (HFD-100),
Bureau of Drugs.

Original abbreviated new drug applications (Identify as such): Generic Drug Staff (HFD-107), Office of Scientific Evaluation,
Bureau of Drugs.

Submissions pursuant to the notice of opportunity for hearing (Identify with docket number): Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65,
Parklawn Building.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD-8),
Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101),
Bureau of Drugs.

(Secs. 502, 505, 52 Stat. 1050-53, as amended; (21 U.S.C. 352, 355) and the authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121)).

Dated: August 1, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 74-18737 Filed 8-14-74; 8:45 am]

[DESI 11792; Docket No. FDC-D-685; NDA 11-792 etc.]

SANOMA, ETC.

Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of September 1, 1970 (35

FR 13854) regarding the efficacy of the following drugs:

1. Sanoma; carisoprodol 350 mg. per tablet; Pfizer Laboratories Division, Pfizer Laboratories Division, Pfizer, Inc., 235 East 42d Street, New York, NY 10017 (NDA 12-158).

2. Rela; carisoprodol 350 mg. per tablet; Schering Corp., 1011 Morris Avenue, Union, NJ 07083 (NDA 12-155).

3. Soma; carisoprodol 350 mg. per tablet and 250 mg. per capsule; Wallace Pharmaceuticals, division of Carter-Wallace, Inc., Half Acre Road, Cranbury, NJ 08512 (NDA 11-792).

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

Other drugs included in the announcement of September 1, 1970 are not affected by this notice.

The September 1, 1970 announcement stated that the above drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for their labeled indications.

Based on information submitted by the manufacturers of skeletal muscle relaxant drugs and a review of available evidence, the Director of the Bureau of Drugs concludes that new evidence in the form of adequate and well-controlled studies has demonstrated that the so-called "skeletal muscle relaxants" are effective in the treatment of discomfort associated with acute, painful musculoskeletal conditions. No studies were conducted with the 250 mg. strength of carisoprodol. This is regarded as an inappropriate dosage strength and accordingly lacks substantial evidence of effectiveness. Accordingly, the revised conclusions concerning the drugs are as set forth below.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. The 350 mg. dosage forms are effective for the indications described below.

2. The 350 mg. dosage forms lack substantial evidence of effectiveness for all other indications.

3. The dosage form containing 250 mg. carisoprodol lacks substantial evidence of effectiveness for all indications.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. Form of drug: The products are in tablet or capsule form suitable for oral administration.

2. Labeling conditions: a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The Indications are as follows:

Carisoprodol is indicated as an adjunct to rest, physical therapy, and other measures for the relief of discomfort associated with acute, painful musculo-skeletal conditions. The mode of action of this drug has not been clearly identified, but may be related to its sedative properties. Carisoprodol does not directly relax tense skeletal muscles in man.

3. **Marketing status.** Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study", published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. Notice of opportunity for hearing. On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the 350 mg. dosage forms of carisoprodol for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice, and the

250 mg. dosage form for all of its indications, as referred to in paragraph A.3 of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of that part of NDA No. 11-792 providing for the 250 mg. product and withdrawing approval of those parts of the new drug application(s) providing for the 350 mg. strength product(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. 2 of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) (providing for the 350 mg. strength) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved and for the 250 mg. tablet should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 16, 1974, a written

notice of appearance and request for hearing, and (2) on or before October 15, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product containing 250 mg. carisoprodol and any such drug product containing 350 mg. carisoprodol labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. 2 of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during regular business hours, Monday thru Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 11792, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (HFD-100),
Bureau of Drugs.
Original abbreviated new drug applications
(Identify as such): Generic Drug Staff
(HFD-107), Office of Scientific Evaluation,
Bureau of Drugs.
Submissions pursuant to the notice of oppor-
tunity for hearing (Identify with Docket
Number): Hearing Clerk, Food and Drug
Administration (HFC-20), Room 4-65,
Parklawn Building.
Requests for the Academy's report: Drug
Efficacy Information Activity (HFD-8),
Bureau of Drugs.
All other communications regarding this an-
nouncement: Drug Efficacy Study Imple-
mentation Project Manager (HFD-101),
Bureau of Drugs.

(Secs. 502, 505, 52 Stat. 1050-53, as amended;
(21 U.S.C. 352, 355)) and the authority dele-
gated to the Director of the Bureau of Drugs
(21 CFR 2.121).

Dated: August 1, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-18735 Filed 8-14-74; 8:45 am]

Public Health Service

HEALTH PROFESSIONS AND NURSING STUDENT LOANS

Determination of "Low-Income Levels"

Sections 741(f) and 830(a) of the Pub-
lic Health Service Act as implemented by
regulations, provide that the Secretary
of Health, Education, and Welfare may
undertake to repay, upon application by
an individual, all or any portion of such
individual's educational loans made sub-
sequent to November 17, 1971, for meet-
ing his costs at a school of medicine,
osteopathy, dentistry, veterinary medi-
cine, optometry, pharmacy, podiatry, or
nursing when the Secretary determines
that the individual:

(1) Failed subsequent to November 17,
1971, to complete the health professions
studies leading to his first professional
degree or the specified nursing studies,
with respect to which such loan(s) was
made;

(2) Is in exceptionally needy circum-
stances;

(3) Is from a low-income or disad-
vantaged family; and

(4) Has not resumed or cannot reason-
ably be expected to resume the course of
study within two years following the date
upon which he terminated such studies.

Sections 57.217(c) and 57.317(c) of
the implementing regulations (42 CFR
Part 57, Subparts C and D) require that
the Secretary publish annually in the
FEDERAL REGISTER the low-income levels
which will be utilized in determining an
applicant's eligibility under these pro-
visions.

Notice is hereby given that the in-
come levels indicated below will be used
in determination of what constitutes a
"low-income family" for purposes of re-
payment of educational loans by the
Secretary pursuant to sections 741(f)
and 830(a) of the PHS Act. Further,
these income levels together with other
relevant factors such as value of assets,

unusual expenses, income available to
the individual etc. will be taken into con-
sideration in determining whether the
applicant is "in exceptionally needy
circumstances" or is from a "disadvan-
taged family."

The income levels have been derived
from low-income thresholds published
by the U.S. Bureau of the Census,
utilizing an index adopted by a Federal
Interagency Committee for use in a
variety of Federal programs, multiplied
by a factor of 1.3 for adaption to the
Health Professions and Nursing Student
Loan Programs, and updated to reflect
the average level of the Consumer Price
Index through July 1973.

Size of parents' family (include only dependents listed on Federal income tax form)	Income level ¹ (adjusted gross income for cal- endar year 1973)
1.....	\$2,900
2.....	3,800
3.....	4,500
4.....	5,800
5.....	6,800
6 or more.....	7,700

¹ Rounded to \$100.

Dated: July 26, 1974.

KENNETH M. ENDICOTT,
Administrator, Health
Resources Administration.

[FR Doc.74-18812 Filed 8-14-74; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-74-246]

LAKE LUCIE ESTATES, INC., ET AL.

Notice of Hearing

Notice is hereby given that:

1. Lake Lucie Estates, Inc., its officers
and agents, hereinafter referred to as
"Respondent," being subject to the pro-
visions of the Interstate Land Sales Full
Disclosure Act (Pub. L. 90-448) (15 U.S.C.
1701 et seq.), received a notice of pro-
ceedings and opportunity for hearing
dated June 3, 1974, which was sent to the
developer pursuant to 15 U.S.C. 1706(d)
and 24 CFR 1710.45(b) (1) informing the
developer of information obtained by the
Office of Interstate Land Sales Registra-
tion showing that a change had occurred
which affected material facts in the De-
veloper's Statement of Record for Lake
Lucie Gardens located in Florida and the
failure of the Developer to amend the
pertinent sections of the Statement of
Record and Property Report.

2. The Respondent filed an answer
June 17, 1974, in answer to the allega-
tions of the notice of proceedings and
opportunity for a hearing.

3. In said Answer the Respondent re-
quested a hearing on the allegations con-
tained in the notice of proceedings and
opportunity for a hearing.

4. Therefore, pursuant to the provi-
sions of 15 U.S.C. 1706(d) and 24 CFR
1720.160(b): It is hereby ordered, That
a public hearing for the purpose of tak-

ing evidence on the questions set forth
in the Notice of Proceedings and Oppor-
tunity for Hearing will be held before
Administrative Law Judge John J. Mc-
Carthy, in room 7155, Department of
HUD Building, 451 7th Street, SW.,
Washington, D.C. on August 20, 1974,
at 2 p.m.

The following time and procedure is
applicable to such hearing:

All affidavits and a list of all witnesses are
requested to be filed with the Hearing Clerk,
HUD Building, Room 10150, Washington,
D.C., 20410 on or before August 12, 1974.

5. The Respondent is hereby notified
that failure to appear at the above
scheduled hearing shall be deemed a de-
fault and the proceeding shall be deter-
mined against Respondent, the allega-
tions of which shall be deemed to be
true, and an order Suspending the State-
ment of Record, herein identified, shall
be issued pursuant to 24 CFR 1710.45
(b) (1).

This notice shall be served upon the
Respondent forthwith pursuant to 24
CFR 1720.440.

Dated: August 9, 1974.

By the Secretary.

ALAN J. KAPPELER,
Acting Interstate Land
Sales Administrator.

[FR Doc.74-18802 Filed 8-14-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74-181]

FORMULATION OF STANDARDS FOR BOAT FUEL AND ELECTRICAL SYSTEMS

Open Meeting

The Boating Standards Division (G-
BBC) of the Coast Guard Office of Boating
Safety will hold an informal meeting
on 27 August 1974 to receive comments
on the appropriateness of establishing
requirements for shock testing of fuel
tanks and for establishing requirements
for maximum allowable current capaci-
ties for various types of electrical con-
ductors on boats. These requirements
may be incorporated into standards for
boat fuel and electrical systems to be
published as proposed rulemaking at a
future date.

The meeting will be open to the public.
Representatives of the American Boat
and Yacht Council, the Society of Auto-
motive Engineers, the National Fire Pro-
tection Association, the Boating Indus-
tries Association, and the Boating Safety
Advisory Council Fuel and Electrical
Systems Panel have been invited to at-
tend and present their views. However,
any interested person may also express
their views by filing a written statement
with the Chief, Boating Standards Divi-
sion before, during, or after the meeting.
To the extent that time permits, the
Chief, Boating Standards Division will
also allow presentation of oral statements
at the meeting. If possible, persons mak-
ing such oral statements should also sub-

mit a written copy or transcript of their statements before, during, or after the meeting.

Depending on available space in the meeting room, public attendance may be limited to those persons who have notified the Chief, Boating Standards Division in writing, at least five working days prior to the meeting, of their intention to attend.

The meeting will be held in Room 4117, Trans Point Building, 2nd and V Streets, SW., Washington, D.C. on 27 August 1974, commencing at 9 a.m.

All written communications concerning the meeting should be addressed to the Commandant (G-BBC/62), U.S. Coast Guard, Washington, D.C. 20590. Copies of the shock test methods and current capacity requirements to be considered at the meeting will be available in the meeting room or may be obtained in advance by calling Lt. John McBride at (202) 426-4028 or by writing to the address above.

Issued in Washington, D.C. on 7 August 1974.

A. F. FUGARO,
Captain, U.S. Coast Guard,
Acting Chief, Office of Boat-
ing Safety.

[FR Doc.74-18774 Filed 8-14-74; 8:45 am]

[CGD 74-175]

S & E SHIPPING CORP.

Registration of House Flag and Funnel Mark

1. The Commandant, United States Coast Guard, in accordance with the provisions of 46 CFR 67.87-5, issued under the authority of the Act of May 28, 1908, as amended (46 U.S.C. 49), has registered the house flag and funnel mark of S & E Shipping Corporation as described below:

(a) House Flag—The house flag is rectangular in shape. The hoist is 5 feet and the fly 8 feet. Superimposed and centered on an imperial blue field are the letters "S-E." The letters and the hyphen are white. Proportionate dimensions (the hoist of 5 feet being equal in proportion to the figure 1.0) are: hoist, 1.0; fly, 1.6; height of lettering "S-E," .4; width of lettering, 1.0; distance from top of lettering to top of flag, .3; distance from bottom of lettering to bottom of flag, .3; distance of lettering from each side of flag, .3; width of white lettering, .04.

(b) Funnel Mark—The funnel is black. Around the funnel, 4 feet from the top of the funnel, is an imperial blue band bordered by white stripes at the top and bottom. The height of the funnel mark is 8 feet. Each bordering white stripe is 10 inches in height. The imperial blue band is 76 inches in height.

2. A colored scale replica drawing of the house flag and funnel mark is on file with the Federal Register Division, National Archives and Records Service.

Dated: August 5, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Ma-
rine Safety.

[FR Doc.74-18773 Filed 8-14-74; 8:45 am]

SEABULK TANKERS LTD.

Registration of House Flag and Funnel Mark

1. The Commandant, United States Coast Guard, in accordance with the provisions of 46 CFR 67.87-5, issued under the authority of the Act of May 28, 1908, as amended (46 U.S.C. 49), has registered the house flag and funnel mark of Seabulk Tankers Limited as described below:

(a) The House Flag—The house flag has the shape of a swallowtail pennant. The hoist is 3 feet and the fly 5 feet. Superimposed and centered on a royal blue field is a white circle 30 inches in diameter edged by an interrupted gold band resembling a rope 1 and 1/2 inch wide. Each segment of the gold band is 2 inches high with a 0.7 inch space between each segment. The segments are in the shape of a parallelogram. Centered and superimposed on the white circle is a gold old-fashioned stock anchor. Centered and superimposed on the anchor is the letter "S," in royal blue.

Proportionate dimensions of the house flag (the hoist of 3 feet being equal to 1.0) are: fly, 1.666; length of each fly of the swallowtail, 0.472; diameter of the white circle, 0.833; height of the letter "S," 0.500; width of the letter "S," 0.361; height of the gold anchor, 0.388; width of the flukes of the anchor, 0.166; width of the stock of the anchor, 0.083; segments of the gold rope trim on the white circle, 0.055 high, 0.042 wide; horizontal distance from hoist to left edge of circle, 0.292; horizontal distance from notch of swallowtail to right edge of circle, 0.250; vertical distance from top and bottom of circle to edge of fly, 0.042; horizontal distance from left and right leading edges of letter "S" to edge of circle, 0.180; vertical distance of letter "S" to the top and bottom of circle, 0.055.

(b) Funnel Mark—The funnel is white, surmounted with a tapered black deflector cap, extending 2 feet abaft the top of the trailing edge of the funnel. Around the funnel is a royal blue band on which there is centered vertically, and offset forward horizontally 1 foot from center, the Seabulk emblem, circular in shape. The proportionate dimensions (the diameter of the funnel at the center of the blue band being equal to 1.0) are: total height of funnel, 2.435; center width of the blue band, 1.0; top width of the blue band 0.971; bottom width of the blue band, 0.072; distance from top of funnel to top of blue band, 0.478; distance from top of funnel to center of blue band, 0.826; distance from edge of funnel to bottom of blue band, 1.261; height of blue band, 0.696; height of emblem, 0.522; distance from edge of emblem to top and bottom of blue band, 0.0869; the proportion of the emblem is the same as described above for the house flag, using the funnel proportionate base.

2. Colored scale replica drawings of the house flag and funnel mark are on file

with the Federal Register Division, National Archives and Records Service.

Dated: August 5, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Ma-
rine Safety.

[FR Doc.74-18775 Filed 8-14-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment Nos. 12 and 6 to Facility Operating License Nos. DPR-29 and DPR-30 (respectively) to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) which revised Technical Specifications for operation of the Quad-Cities Units 1 and 2 (located in Rock Island County, Illinois).

The amendments permit electrical circuit changes which allow convenient sampling of reactor water and primary containment atmosphere in the event of an occurrence which causes containment isolation.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations, and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendments.

For further details with respect to these actions, see (1) the application for amendment dated March 11, 1974, (2) Amendment Nos. 12 and 6 to License Nos. DPR-29 and DPR-30, with any attachments, and (3) the letter to Commonwealth (transmitting Amendments 12 and 6) which includes an evaluation of the application. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Moline Public Library at 504 17th Street in Moline, Illinois 61265.

A copy each of items (2) and (3) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 5th day of August, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Directorate of
Licensing.

[FR Doc.74-18732 Filed 8-14-74; 8:45 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Emergency Core Cooling Systems

By letter dated May 30, 1974, the Consumers Power Company (licensee) requested a variance for the Big Rock Point Plant from the requirement for achieving compliance with the Commission's Interim Acceptance Criteria (IAC) for Emergency Core Cooling Systems (ECCS) for Light-Water Power Reactors set forth in the Commission's Interim Policy Statement by July 1, 1974 (36 FR 12247, June 29, 1971). The variance requested was for an extension of time until November 1975 to meet the requirements of the IAC. This request was supplemented by letters dated June 28, 1974, July 15 and 26, 1974, and August 2, 1974, and the variance period was requested to be extended until March 1, 1976, by letter dated August 2, 1974.

On June 14, 1974, the Director of Regulation published (39 FR 20835) a notice of the receipt of the licensee's request for a variance. This notice advised that the Director of Regulation was considering granting a variance from the IAC. This notice also invited the submission of views and comments by any interested persons and comments were received from the West Michigan Environmental Action Coalition (WMEAC); Dr. Gerald Drake; and in a letter from Janis Dietrich, Betty Henne, and William Henne, and are discussed below.

On June 28, 1974, the Director of Regulation issued determination (39 FR 24943) extending July 1, 1974, date for compliance with the IAC to August 5, 1974. The purpose of this extension of time was to permit consideration by the Regulatory staff of all requests submitted by other licensees subject to the provisions of the IAC and 10 CFR 50.46 for variances or extensions of time from the provisions of the IAC or 10 CFR 50.46 to assure uniform and consistent treatment of all ECCS evaluations. This interim determination stated that a final determination would be made by August 5, 1974, as to whether a further variance should be granted. By letter of June 18, 1974, the licensee also requested an extension of time until March 31, 1975, for the submission of an evaluation of ECCS performance in accordance with 10 CFR 50.46. As required by 10 CFR 50.46(a) (2) (iii), a notice was published in the FEDERAL REGISTER on July 10, 1974 (38 FR 25414), that the Director of Regulation was considering the licensee's request. The Notice also invited the submission of views and comments by any interested persons. Comments have been received regarding the consideration of the request for an extension from Friends of the Earth and Consolidated National Interveners, and are also discussed below.

VARIANCE FROM INTERIM CRITERIA

By letter dated September 22, 1972, the licensee submitted a preliminary analysis of ECCS performance assuming installation of an automatic-depressurization system. Auto-depressurization

would, according to the licensee, permit low pressure core spray action following a loss of coolant accident (LOCA) for breaks up to and including the design basis accident (DBA) LOCA (double ended break of largest primary coolant pipe below core level) in time to limit peak fuel rod clad temperature to 2300° F. or less if the 9 x 9 fuel assembly rod arrays are replaced by 11 x 11 fuel rod arrays or power production is limited. AEC letter dated December 6, 1972, authorized replacement, over about a four-year period, of the fuel assemblies with a 9 x 9 fuel rod array with assemblies of an 11 x 11 rod array. To assure that peak clad temperatures would not exceed 2300° F. for the design basis loss of coolant accident during the interim period, specific power limitations have been proposed which further restrict the average planar linear heat generation rate. The Regulatory staff determined that the calculational methods used by Consumers Power Company to establish maximum average planar linear heat generation rate (MAPLHGR) limits are in conformance with the IAC with no reliance on spray wetting characteristics of non-fuel rods used in the 11 x 11 fuel rod arrays, i.e., the calculational methods are acceptable and peak clad temperatures following the DBA LOCA will not exceed the IAC limit of 2300° F. The necessary change to the Technical Specifications to reflect these lower limits is pending and will be issued very shortly. The AEC safety evaluation of this matter will note that the ECCS modifications, new fuel rod arrays and automatic-depressurization, necessary to meet the IAC will probably not be completed by July 1974.

Without the automatic-depressurization system, continuous feedwater injection following small and intermediate size primary coolant system pipe breaks (ranging from about 1 square inch to 0.5 square feet) would also depressurize the primary system to allow low pressure core spray action in time to prevent peak clad temperatures in excess of 2300° F. To provide continuous feedwater injection, the facility must rely upon the continued operation of at least one of the two main feedwater pumps. The licensee has provided a connection to permit the addition of water to the condenser hotwell from the fire main to assure an adequate supply of water in the hotwell to feed the feedwater pumps in the event of small and intermediate size breaks. This connection was completed during the July 1974 refueling outage, and the necessary change to the Technical Specifications to require that this new provision for emergency supply of water to the feedwater pumps be operable when the facility is operating is pending as part of the change discussed above. The feedwater system would not be operable for small and intermediate size primary system pipe breaks if offsite power were lost coincident with a LOCA. Also the controls for the feedwater system were not specifically designed to meet single failure criteria and have not been evalu-

ated for their vulnerability to single failure. However, the two independent offsite power supplies and the feedwater control system have demonstrated high reliability.

To minimize the probability of a primary system break, all of the inservice surveillance inspection normally completed over a 10-year period have been accomplished in the Big Rock primary coolant system pressure boundary over a three-year period and will continue at this accelerated frequency until the IAC modifications are completed. No defects have been revealed by the inspections to date. Primary coolant leak detection sensitivity has been improved to the extent that leaks as small as 0.1 gpm can be detected. The leak rate limit of 1 gpm currently permitted by the Technical Specifications is quite low and will remain in effect.

Big Rock Point Nuclear Power Plant is one of the earliest boiling water reactor designs, as a consequence an ECCS evaluation model and accompanying ECCS performance analysis had to be developed by the licensee and its contractor taking into account the specific Big Rock design. This has and continues to involve a significant amount of time in order to perform and evaluate the various computations. As a result of delays in obtaining the required information and analyses to design the modifications, the final design of some aspects of the modifications are not yet completed. Additional time is now required by the licensee for fabrication, delivery, installation and testing of the modifications.

At a meeting on December 5, 1973, design and component delivery schedules were reviewed and it was determined with reasonable certainty that the modifications to bring the Big Rock Point plant into full conformance with the IAC could not be completed by July 1, 1974, as required by the AEC. The Regulatory staff met with the licensee representatives again on July 16, and July 24, 1974, to review the licensee's schedule for completion of the required modifications. The Regulatory staff examined the various equipment and installation schedules presented by the licensee and in light of the staff's knowledge of the general installation requirements and procurement situation for nuclear reactor grade equipment and it is satisfied that the proposed schedule for having all proposed additional components installed and operable by March 1, 1976, represents a reasonable time to complete the modifications which are planned and required. The staff has determined that good cause exists for authorization of the requested variance from the requirements of the IAC.

In consideration of (1) the extremely low probability of a LOCA occurring simultaneously with loss of all offsite power, (2) the system modifications and technical specification changes that have been proposed to improve core cooling capability in the interim period when the Big Rock Plant is not in full conformance with the IAC, (3) the capability of primary system leak detection and

inservice surveillance to discover leaks or potential leaks before cracks can propagate appreciable, (4) the availability and reliability of offsite power, (5) the reactor power level limitations which will be required by new Technical Specification MAPLHGR limits, and (6) a new connection to provide emergency water to the hotwell to assure a sufficient water supply to the feedwater pump, the staff has concluded that there is reasonable assurance that granting such variance will not adversely affect the health and safety of the public. We have considered and determined that a variance from the IAC for the full period requested, until March 1, 1976, would be acceptable, provided that the licensee continue to investigate other methods for improving the ECCS reliability in the interim including provisions for manual depressurization of the primary coolant system. A report of the results of this investigation is to be provided by January 1, 1975. However, the licensee is also subject to the requirements of the Commission's revised acceptance criteria set forth in 10 CFR 50.46. As a result of the licensee's request for an extension of time to file an evaluation of ECCS performance in accordance with 10 CFR 50.46, the licensee will be required to file a preliminary evaluation of performance with the revised acceptance criteria by October 31, 1974. See discussion below. At that time the licensee may request an exemption from the Commission from the operating requirements of 10 CFR 50.46. Accordingly, this variance extends only until operation in conformity with the acceptance criteria of 10 CFR 50.46 is required, unless an exemption from such requirements is granted by the Commission.

In addition, this variance is subject to a requirement that the licensee report periodically, but not less than once every three months commencing with the date of this determination to the Director of Regulation its efforts in attempting to achieve compliance with IAC. Should these reports reveal that the licensee is not pursuing such compliance in a reasonably diligent manner, the variance may be subject to revocation.

EXTENSION OF TIME FOR SUBMISSION OF EVALUATION IN CONFORMITY WITH § 50.46

In support of its request for an extension of time, the licensee states that it does not expect to receive the ECCS evaluation model and analyses from the General Electric Company (GE) for the Big Rock Point Plant until the end February 1975. The licensee states that the requested extension will allow approximately one month to review the results of the analyses and develop appropriate Technical Specification changes (licensee amendment).

It is evident from the licensee's request that the basis for an extension of time is the unavailability of the necessary evaluation models and analyses from GE. Since the promulgation of the regulation, the Regulatory staff has been engaged in a continuing effort to develop an AEC evaluation model which would meet the requirements of Appendix K of

10 CFR Part 50. A similar effort has been underway by the four vendors of nuclear steam supply systems for light-water nuclear power reactors, including GE. As the Regulatory staff recognizes from its efforts, this development work has involved a considerable amount of time.

Furthermore, the Big Rock Point Plant is an older design which requires significant changes in the evaluation models now being calculated for most of GE's newer design. GE must therefore prepare a separate evaluation model and analyses which is tailored to the Big Rock reactor, which will involve additional time beyond the time estimated for submission of the evaluation models for the newer designs.

Based upon the Regulatory staff's experience and its knowledge of the efforts on the part of GE to develop adequate evaluation models and analyses, the Regulatory staff believes that the licensee's statements regarding delay by GE in completing and submitting to it an evaluation model and analyses constitute good cause for extension of the August 5, 1974, deadline for the submittal of the information required by 10 CFR 50.46.

The licensee has indicated that it will need a period of about one month to review this evaluation and formulate necessary license amendments and technical specification changes. The Regulatory staff has independently developed a schedule of the steps and average times that should be sufficient for internal review by the licensee after transmittal by GE of the GE evaluation and analyses to the licensee.

This schedule takes into account the review schedules submitted by all licensees who have requested extensions as well as the Regulatory staff's own views as to the minimum time which should be required for the licensees to conduct the necessary reviews and to prepare the necessary information for submittal to the Regulatory staff. The Regulatory staff's schedule is as follows:

1. Engineering review (including Q/A review) of evaluation models and analyses. (7 days)
 2. Preparation of proposed Technical Specifications and revised operating procedures. (14 days)
 3. Review by plant operations and nuclear safety committee and appropriate company nuclear review committee. (10 days)
 4. Submit. (4 days)
- Total time: 35 days

Based upon the above, the Regulatory staff has concluded that the period of review time by the utility after receipt of the GE evaluation model, a period of about four weeks, appears to be reasonable.

However, while there may be good cause for the licensee's inability to supply a complete evaluation of ECCS performance in accordance with § 50.46, including all required and acceptable elements and documentation in accordance with Appendix K, until March 31, 1975, a preliminary evaluation, based on conservative assumptions, but not necessarily including all of the detail and documentation called for by Appendix K, but which nevertheless provides a con-

servative assessment of ECCS performance under the Commission's Acceptance Criteria, should be provided by October 31, 1974. The staff recognizes that simplifying, but conservative, assumptions must be made in order to provide the evaluation by October 31, 1974, but the submittal must present details of such assumptions and estimates and supporting discussion to demonstrate that the preliminary evaluation meets the Commission's acceptance criteria, and include proposed operating limits, if any, required to bring the reactor into conformity with the Commission's acceptance criteria. Upon receipt of the final evaluation model and analysis from the vendor, the licensee shall submit this evaluation model and analysis for concurrent review by the Regulatory staff.

DISCUSSION OF COMMENTS

The comments by Dr. Drake relate principally to the subject of cancer risk due to releases from the facility. The comments from Janis E. Dietrick, Bette M. and William M. Henne, urge that because of the use of plutonium in the facility the plant should be required to meet the Commission's "strictest standards now."

WMEAC is an intervenor in the Matter of Consumers Power Company (Big Rock Point Plant) (38 FR 9104, April 10, 1973), a hearing involving the issuance to Consumers Power Company of Amendment 4 to DPR-6, on December 6, 1972, which authorized an increase in the use of the mixed plutonium oxide-uranium dioxide fuel in the Big Rock Point facility. WMEAC's comments, which were also addressed in connection with the "Determination with Respect to Variance From the Interim Acceptance Criteria" published in the FEDERAL REGISTER on July 8, 1974 (39 FR 24943), are directed to two principal areas. First, WMEAC opposes the issuance of the variance on the grounds the applicant has not shown good cause and has not shown that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. WMEAC asserts that licensee's assertions of delays are not substantial and that licensee has not justified the need for the limited amount of power generated by the Big Rock facility. WMEAC's second area involves the effect of the variance on a similar question of compliance with the Commission's Acceptance Criteria which WMEAC asserts is in issue in the presently pending proceeding relating to the use of the mixed oxide fuel in the Big Rock facility.

We have carefully considered the comments received and have paid careful attention to the health and safety considerations relating to the use of plutonium fuel in this facility in connection with the assessment outlined in this determination.

With respect to WMEAC's comment that the licensee has not provided adequate basis for the reasons given in support of the variance, the staff has met with the licensee a number of times to assess the basis for the licensee's claims

with respect to the delays entailed in achieving compliance with the Interim Criteria and the minimum schedule for delivery of required equipment. Additional information was provided to the staff and is reflected in the licensee's letter of July 26, 1974. The staff has satisfied itself that good cause exists for the request for variance. The staff also has concluded for the reasons outlined above, that good cause exists for the extension of time to submit an evaluation of ECCS performance in accordance with 10 CFR 50.46. In addition, contrary to WMEAC's assertion, for the reasons outlined above there is reasonable assurance that the operation of the facility in accordance with the variance granted herein will not adversely affect the health and safety of the public. We respect to WMEAC's assertion regarding the pending hearing, the actions taken herein would in no way affect WMEAC's rights in such a proceeding, and would in no way affect the Board's authority to determine any matter relating to proper compliance with the Commission's acceptance criteria and the reasonableness of any extension or deviation from such criteria with respect to the use of mixed plutonium oxide-uranium dioxide fuel in the Big Rock Point facility.

The comments received from the Friends of the Earth and Consolidated National Intervenors oppose the granting of the requested extension of time on the grounds that the licensee's application does not present evidence to demonstrate why the vendor's analyses are delayed and that the licensee should not be permitted an extension of time to request an exemption. The Regulatory staff has taken these comments into account in reaching its determination reflected herein. As discussed above, the Regulatory staff believes that, the licensee has shown good cause for the granting of an extension of time. The staff did not consider in its determination of good cause, the need for additional time in which to file an exemption request.

Accordingly, based on the foregoing considerations, the Director of Regulation has granted a variance for the Big Rock Point Station which extends the date for compliance with the requirements of the Interim Acceptance Criteria until March 1, 1976, provided (1) the licensee shall submit by January 1, 1975, the results of their continuing investigation of method for improving the ECCS reliability in the interim including provisions for manual depressurization of the primary coolant system, (2) the licensee shall report periodically, but not less than once every three months commencing with the date of this determination to the Director of Regulation its efforts in attempting to achieve compliance with the IAC. Should these reports reveal that the licensee is not pursuing such compliance in a reasonably diligent manner, the variance may be subject to revocation, (3) this variance extends only until operation in conformity with the acceptance criteria of 10 CFR 50.46 is required. If an exemption

from such requirements is granted by the Commission, such exemption shall govern any further operation of the facility.

In addition, based on consideration set forth above and for good cause shown, the Director of Regulation hereby grants an extension of time to the licensee which extends the date for compliance with the requirements of 10 CFR 50.46(a)(2)(ii) from August 5, 1974, until March 31, 1975 provided that (1) upon receipt of the final evaluation model and analysis from the vendor, the licensee shall submit this evaluation model and analysis for concurrent review by the Regulatory staff and (2) on or before October 31, 1974 the licensee shall submit a preliminary evaluation of ECCS performance consistent with the requirements of Appendix K although not necessarily containing the full detail and the full documentation called for in Appendix K, along with proposed license amendment or Technical Specification changes which would bring reactor operation into conformity with the requirements of 10 CFR 50.46. Upon submission, the licensee shall operate within the limits of such proposed technical specification and all technical specifications previously imposed by the Commission, including the requirements of the Interim Policy Statement (36 FR 12247, as amended by 36 FR 24082 December 18, 1971), or any variance granted from such requirements unless the licensee files with the Commission a request for exemption from the requirements of § 50.46 and such request is granted.

Dated at Bethesda, Maryland, this 5th day of August 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc. 74-18438 Filed 8-14-74; 8:45 am]

URANIUM ENRICHMENT SERVICES CONTRACTS

Completion of Contracting

Notice is hereby given that, pursuant to the authority of the Atomic Energy Act, of 1954, as amended, the United States Atomic Energy Commission (AEC) has determined it has capability available to permit entering into additional Long-Term Fixed-Commitment Agreements for the provision of enriching services sufficient to sustain approximately 47,000 megawatts of nuclear power reactors without generic authorization of the use of plutonium as fuel in nuclear power reactors in the United States, and approximately 91,000 megawatts of nuclear power reactors if such approval is given. The Uranium Enrichment Services Criteria do not permit the AEC to contract beyond its available production capability.

The AEC will enter into those additional Long-Term Fixed-Commitment Agreements requiring initial deliveries thereunder prior to July 1, 1982 which were requested prior to July 1, 1974. With respect to any such agreements that cannot be executed by the AEC within its

available capability without such generic authorization, the AEC is prepared, at the Customers' request, to execute such agreements to the extent its available capability would be increased in the event of such generic authorization, subject to the condition that, unless otherwise agreed, the AEC will terminate such agreements in whole or in part at no cost to the Government if such generic use of plutonium is not authorized prior to July 1, 1975. Advance payment under such conditional contracts shall not be due until requested by the Commission subsequent to such generic authorization. Upon completion of such contracting activities, the AEC will cease entering into Long-Term Fixed-Commitment Agreements for the provision of enriching services to sustain nuclear power reactors other than such agreements resulting from conversion of requirement-type agreements.

In addition to the enriching services thus committed, the AEC has a growing stockpile of enriched uranium as yet uncommitted to any specific use. AEC will utilize this stockpile to provide for contingency needs and to assist in the transition to a private enrichment industry.

Dated at Germantown, Maryland this 9th day of August 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc. 74-18731 Filed 8-14-74; 8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC POWER CO.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-3 issued to Yankee Atomic Power Company which revised Technical Specifications for operation of the Yankee-Rowe Atomic Power Plant, located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment permits operation with Core XI and includes the related changes to the Facility Hazards Report which is incorporated in the Technical Specifications appended to Facility Operating License No. DPR-3 for the Yankee-Rowe facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated March 29, 1974, and supplement dated May 29, 1974, (2) Amendment No. 9 to License No. DPR-3, with any attachments, and (3) the Commission's related Safety Evaluation.

All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing Regulation.

Dated at Bethesda, Maryland, this 30th day of July 1974.

For the Atomic Energy Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc. 74-18733 Filed 8-14-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24576; Order No. 74-8-28]

ALLEGHENY AIRLINES, INC.

Application for Realignment of Route 97

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of August, 1974.

By Order 73-10-24, dated October 4, 1973, the Board directed all interested persons to show cause why the Board should not amend the certificate of public convenience and necessity for route 97 held by Allegheny Airlines, Inc. so as to realign the carrier's route system by consolidating its present 33 segments into one segment and by eliminating or modifying certain restrictions.¹

Interested persons having objection to the issuance of an order making final the proposed findings and conclusions set forth therein were required to file such objections within 60 days of service of the order and replies to such objections were to be filed 30 days thereafter.

Ten air carriers have submitted answers and/or replies and such submissions have been made by 17 civic parties.² Included among the submissions are three filings by Allegheny either requesting modifications of the Board's realignment proposal or opposing modifications requested by other interested persons.³

We had included with our show cause order extensive city-pair data indicating what effect the proposed realignment would have on each of Allegheny's 4,278 city-pair markets in order to aid interested persons in determining how the realignment might affect their interests and what responses might be in order. The nature of the responses received indicates that these data have enabled in-

terested persons to sift through Allegheny's system and cull out for comment those city-pair markets of competitive or other significance. A mere 160 markets were made the subject of comments, and a full sixty-four of the comments were unopposed requests by Allegheny for liberalization of various stop and other restrictions proposed by the Board in its show cause order.⁴ Thus, the task at hand is to determine what action should be taken with respect to ninety-six disputed city-pair markets preparatory to making final our tentative findings and conclusions, and issuing Allegheny an amended, realigned certificate, for we have concluded that with appropriate modifications, the tentative findings and conclusions contained in Order 73-10-24 should be made final.⁵

In keeping with the spirit of Order 73-10-24, we have included herewith as appendices a complete analysis of each Allegheny city-pair market concerning which comments were received. This analytical foundation permits us to deal categorically with most comments. The largest single category consists of requests by Allegheny for liberalization of restrictions proposed by the Board in its original show cause order to which no reply objections were raised. We have concluded that in the absence of objections, all such requests should be granted without further consideration. Accordingly, the certificate we are issuing herewith modifies the certificate proposed in Order 73-10-24 by changing Allegheny's restrictions in the manner noted in Appendix A attached hereto.⁶

In respect to twenty-eight of the remaining ninety-six markets, Allegheny has requested liberalization of restrictions proposed by the Board in its show cause order, which requests are opposed by various respondents. We have decided, after careful consideration of all the matters raised in the various pleadings pertinent to these markets, to adhere to our original proposal in regard to 20 of these markets⁷ and to grant Allegheny's requests with respect to the remaining eight.⁸

As a general proposition, the restrictions originally proposed appear to have continued validity, especially in view of the various carriers' comments expressing opposition to Allegheny's request for liberalization. While we offer no comment as to what findings we would make in respect to these markets after a full hearing, sufficient data and argumentation have been set forth to persuade us that the objections raised by interested persons are sufficiently meritorious to warrant retention of the proposed conditions. Any other conclusion at this time

would unnecessarily prolong and complicate this realignment, the accomplishment of which we believe to be essential.⁹ On the other hand, we will grant Allegheny's request for liberalization of stop restrictions in eight markets in spite of Piedmont's opposition.¹⁰ Piedmont is certificated in none of the city-pair markets listed in Appendix C, and has articulated only vague and unsupported arguments that the size/directional characteristics of these markets require a full public hearing before the Board can alter Allegheny's incumbent status. Because Piedmont has failed to demonstrate that it has a cognizable stake in these markets, or that improving Allegheny's authority would preclude a subsequent certification of an additional carrier, we have concluded that Allegheny's requests for nonstop authority should be granted and, accordingly, Allegheny's new certificate authorizes nonstop service in the eight markets set forth in Appendix C.¹¹

We now turn to the sixty-eight city-pair markets concerning which comments were filed by carriers objecting to the manner in which the Board proposed they should be authorized to Allegheny. Appendix D sets out each of these city-pair markets by category and includes pertinent authority data for each. To the extent feasible, we will discuss these markets by category.

Delta objected to liberalization of Allegheny's authority in Burlington-Midwest markets. Delta asserts that it is actively

¹ The markets set forth in Appendix B fall into two broad categories: (1) markets in which Allegheny requests fewer required intermediate stops, and (2) Minneapolis markets concerning which Allegheny requests the lifting of a mandatory stop at Buffalo. Additional comment is required in two areas. First, in regard to the Minneapolis markets, the Buffalo stop restriction was proposed by the Board in its show cause order primarily because Allegheny's application contained such a restriction. As Allegheny's own application recognizes, treatment of its Minneapolis markets presents unique problems. In the interest of expedition, we have sought to minimize this complication by retaining without further consideration all mandatory Buffalo stop restrictions for Minneapolis markets if the lifting of the restriction—originally proposed by Allegheny—is now opposed by any carrier. On the other hand, in those instances where Allegheny's request for lifting the Buffalo stop restriction was unopposed, we have lifted it. (See Appendix A.)

² Of the stop-restricted markets contained in Appendix B, we have retained the stop restrictions originally proposed in all instances except that of Charleston-Newport News. The Board's show cause order proposed to restrict that market to two stops and Allegheny's answer requested nonstop authority. Piedmont replied in opposition to Allegheny's nonstop request and Allegheny in turn agreed to be bound by a one-stop restriction. Taking all matters into consideration, we have concluded that a one-stop restriction in this market should adequately insulate Piedmont's connecting service participation from any but de minimis impact.

³ See Appendix C.
⁴ Cf. Piedmont Route Realignment, Order 73-7-22, July 6, 1973, p. 5 (Atlanta-Washington/New York markets).

¹ We also directed all interested persons to show cause why we should not make permanent Allegheny's temporary authority in certain markets.

² See Appendix E.

³ In addition to filing an answer and reply as authorized, Allegheny filed a reply to Piedmont's reply accompanied by a Motion for Leave to File an Unauthorized Document. We shall grant Allegheny's motion and receive its second reply.

⁴ See Appendix A.

⁵ All tentative findings and conclusions which were not made the subject of responses are being made final by this Order.

⁶ This action required adding three city-pair markets to the subsidy-ineligible list, Appendix F—Akron, Philadelphia, Buffalo-Cincinnati/Columbus.

⁷ Set forth at Appendix B.

⁸ Set forth at Appendix C.

developing a pattern of Burlington-Midwest service following the recent addition to its system of Northern New England-Midwest routes, and that liberalizing Allegheny's Burlington authority in the manner proposed in the show cause order would make Allegheny's system directly competitive with Delta's in the Burlington-Detroit/Cleveland markets. It is further asserted that improved authority for Allegheny in other Burlington-Midwest markets would result in a significant drain of traffic support for the Burlington-Detroit/Cleveland markets. To remedy these competitive intrusions, Delta proposes two restrictions which would require a mandatory stop at either Albany or New York for all flights operating between Burlington and points west of Buffalo and, in addition, a two-stop restriction (as well as a mandatory stop at Albany or New York) with respect to four specific markets.¹¹

Allegheny replied in opposition to Delta's proposed restrictions, claiming generally that the Board's proposed one-stop authority for Allegheny in each market without further restrictions is adequate to protect Delta's nonstop rights. Upon careful consideration of all the matters raised in these pleadings, we have concluded that some additional protection for Delta is warranted in certain Burlington-Midwest markets. Delta is a new entrant in these markets and is attempting to develop them as expeditiously as possible, and we are reluctant to take any action in this proceeding which may give Delta less incentive to develop those markets than it now has. Nevertheless, Delta's proposed restrictions, if implemented, would constrain Allegheny's flexibility far in excess of Delta's needs. For example, Delta's proposal is applicable to all Burlington-West of Buffalo Allegheny markets and would accordingly apply to all of Allegheny's Burlington-West of Buffalo monopoly markets. Absent a strong showing to the contrary, Delta has no need or right to such protection, and its pleading is silent on this issue. In fact, although Delta's proposed restriction would apply to all Burlington-Midwest markets, it has presented supporting data for only 13 Burlington-Midwest markets. We have concluded that only those Burlington markets should be made subject to additional restrictions but we have concluded that Allegheny should not be restricted as severely as Delta has proposed. Rather, we believe that Allegheny should be accorded the right to operate between Burlington and the listed 13 points via either the named points of Albany or New York on a one-stop basis or in the alternative, over any two points on a two-stop basis. This will give Allegheny additional flexibility; is essentially consistent with Delta's proposed restrictions; and should be sufficient to insulate Delta's present and prospective Burlington activities from any intrusion by Allegheny. Accordingly, for the 13 Burlington-Midwest markets listed in paragraph (1) of Ap-

pendix D we are imposing the following restriction upon Allegheny's operations:

Must stop at Albany or New York, N.Y., or any two points.¹²

Requests have been made by various carriers that the Board impose mandatory stop restrictions at specific points in regard to 16 Allegheny city-pair markets.¹³ Seven of the 16 (concerning Minneapolis-East of Buffalo city-pair markets) are requests that Allegheny's authority be restricted to a mandatory stop over Buffalo. The remaining nine (by North Central) are requests for mandatory stops at either Cincinnati or Indianapolis. We have rejected all such requests.

As a general proposition, our realignment program contains a strong presumption against maintaining mandatory stops at specific points between city-pairs. Retention of such restrictions greatly inhibits the realigned carrier's flexibility in the pertinent city-pair market and thereby thwarts the very goal sought to be achieved by realigning its system. We reluctantly retain mandatory stops at specific points where the objecting carrier can make out a compelling case that cognizable competitive considerations require retention.¹⁴ The public interest does not require the requested restrictions. As for the Minneapolis markets, Allegheny presently has one-stop authority over Buffalo. This provides a very direct almost noncircuitous routing for Allegheny. In terms of traffic generation, Buffalo is the strongest intermediate point available to Allegheny. As a result, the net effect of the realignment for Allegheny would be attainment of the flexibility to route Minneapolis-East of Buffalo flights over two additional intermediate points (Rochester and Syracuse) both of which are weaker in terms of traffic generation than Buffalo. Realignment would not improve Allegheny's authority in these markets, but would merely give it additional and weaker intermediate points over which it could satisfy its one-stop requirement. The relative weakness of the alternate intermediate points compared to Buffalo makes it unlikely that Allegheny could penetrate Minneapolis-East of Buffalo markets to any significant degree via these additional routings. The objecting carriers' arguments have not persuaded us to the contrary, and accordingly, their requests will be denied.

¹¹ In regard to four Burlington-Midwest markets, as noted above, Delta proposed a two-stop restriction on top of a mandatory stop restriction at a named point. Delta's proposal for these four markets is too restrictive and we are unable to conclude that it is necessary to protect Delta's operations. Accordingly, we have made the above restriction applicable to all 13 Delta Burlington-Midwest markets.

¹² See Appendix D, paragraph (2).

¹³ The retention of a named intermediate is ordinarily required only when the elimination of the named intermediate will also eliminate substantial circuitry and thus provide the local service carrier with a significant practical improvement in its authority.

As for the remaining nine markets under consideration, North Central asserts that because it modified requests for improved authority in these markets in its own request for realignment (in response to objections by Allegheny), a comparable gesture by Allegheny is in order, and that absent Allegheny's agreement to reciprocate, the Board should impose a specific mandatory stop restriction of its own. We disagree. First, North Central's present segmentation in most of these markets requires a severe backhaul over Milwaukee which burdens North Central with extremely circuitous routings (several exceeding 100 percent). Allegheny's routings, on the other hand, are far more direct and none exceed 50 percent in circuitry. Secondly, North Central's own acquiescence is unrelated logically and procedurally to the public interest criteria we have employed to realign Allegheny's system. Presumably, North Central's acquiescence resulted from its analysis of the merits of Allegheny's objections to its requests. Such analysis has no bearing upon its own similar requests of Allegheny in view of the latter's different route structure. Finally, should North Central now conclude that it may have acquiesced imprudently, it is free to seek amendment of its own realignment requests in which case we will consider such amended requests on their merits.

Paragraph (3) of Appendix D outlines the objections taken on the general ground of competitive impact with respect to 21 city-pair markets. Where possible, we will discuss our disposition of these objections by category.

Five of the listed objections were raised because the objecting carrier misread the authority actually proposed by the Board in the show cause order.¹⁵ As a result, the objecting carrier has requested the imposition of stop restrictions already proposed. Resolution of these objections requires little more than apprising the objecting carrier that its requests are unnecessary.

The Board erroneously reported Allegheny's existing authority as two-stop in three city-pair markets.¹⁶ In fact, Allegheny presently has noncircuitous one-stop authority in each of these three markets. While we regret the inconvenience these errors may have caused interested persons in preparing responses, we must nevertheless assume that our inaccurate data resulted in the invalid assumption on the part of the objecting carrier that we were improving Allegheny's authority from two-stop to one-stop in these markets and that it was this "improvement" which sparked the controversy. In fact, authorizing Allegheny to operate one-stop service in these three markets maintains the status quo and we therefore conclude that the opposing carriers' objections are necessarily invalid.

¹⁵ See Appendix D, paragraph 3, footnote 5.

¹⁶ Chicago-Washington, Cleveland-Louisville, and Detroit-Grand Rapids.

¹¹ See note 2 to Appendix D.

We have decided, after careful consideration of disputed contentions concerning seven of the city-pair markets listed in paragraph 3 to Appendix D to honor the objecting carriers' requests.²⁷ In the St. Louis-Washington market, TWA argues that the same competitive conditions which prompted us to restrict Allegheny to two-stop authority in the Dayton-Washington market are extant.²⁸ TWA's arguments are well taken, and accordingly we shall impose a two-stop restriction. Similarly, in regard to the Baltimore-Dayton market, TWA argues that we specifically restricted Allegheny's authority in the Washington-Dayton market to two-stops and that we should analogously restrict Allegheny's authority in the Baltimore-Dayton market. TWA's argument rests on the assumption that service to Baltimore is service to Washington and the two points should be treated similarly. While we are not necessarily prepared to accept this proposition insofar as Baltimore-Dayton service is concerned, this is an inappropriate forum in which to attempt to resolve the conflicting assertions about its validity. We note that Allegheny is presently two-stop restricted in the Baltimore-Dayton market by specific condition and we have been persuaded that the prudent course is to heed TWA's objections.

Improvements in Allegheny's authority in four of the markets now under discussion—Chicago-Cleveland/Detroit, Cleveland-New York, and Detroit-New York—have been made the subject of vigorous opposition by two, three and in one instance four carriers. We have concluded after careful deliberation that Allegheny's authority should not be improved in the manner originally proposed, without a hearing, and accordingly, we have imposed as an additional restriction the requirement that Allegheny make one intermediate stop more than was originally proposed.

Of the remaining six disputed city-pair markets contained in paragraph 3 of Appendix D, three objections center around Piedmont's argument that the proximity of Newport News to Norfolk requires that stop restrictions from certain cities to Newport News should be identical with those made applicable to Norfolk.²⁹ Piedmont has cited no authority for the proposition that service to Norfolk is service to Newport News. In-

terested civic parties disagree on the issue³⁰ and we have been presented with little more than Piedmont's ipse dixit to prove its point. Accordingly, Allegheny's one-stop authority over an undesignated intermediate point, in the three listed Newport News markets will be preserved.³¹ Allegheny's resultant one-stop authority will be significantly inferior to Piedmont's existing unrestricted nonstop authority.

Three markets remain: Columbus-Newport News/Norfolk and Dayton-Newport News. In each of these, the Board proposed that Allegheny receive one-stop authority and United objected, requesting that a two-stop restriction be imposed. We have not adopted United's objections and have maintained a one-stop restriction in each market. United's objections to Allegheny's receiving one-stop authority in the Newport News-Columbus/Dayton markets are general, and unsupported by any data or argument other than that Allegheny would receive improved authority which would be more competitive with that which United presently holds. This is the type of general argumentation our show cause order cautioned against, we will maintain the and in the absence of anything but United's unsupported contentions restrictions originally imposed. As for the Columbus-Norfolk market, United has argued that by making Allegheny's authority in the market equal to that of United (one-stop), the Board neglected to follow its own realignment criteria.³² United has apparently misunderstood the quoted language. The competitor referred to in the cited language is the competitor with the best authority in the market. In the Columbus-Norfolk market, United's one-stop authority is not the best authority in the market; rather, Piedmont's nonstop authority is the best authority, and it was Piedmont's authority which was examined to determine what Allegheny's authority should be. This procedure was utilized because it is our view that elevating Allegheny to be the second carrier to hold inferior authority in the market does not hold the prospect of having any but minimal impact on any participant. United has declined to set forth any data or argument rebutting this assumption. Indeed, it does not serve the market. Accordingly, the award to Allegheny of one-stop authority in the Columbus-Norfolk market

is fully consistent with the criteria cited by United and United's objection is rejected.

A fourth category of markets cited by carriers in their objections are various White Plains and Islip markets. TWA and Northwest have argued that service to White Plains/Islip is service to New York and that restrictions made applicable to various New York markets should also be made applicable to the same Islip/White Plains markets. Although the objecting carriers' proposition is of dubious validity, we have decided not to attempt to resolve the issue in this proceeding. Nevertheless, because of our doubts concerning the proposition, we will not blindly apply the same restrictions that have been made applicable to pertinent New York markets to Islip and White Plains. Rather, we will impose a one-stop restriction in each such market and will consider lifting even that restriction at an appropriate time in the future.³³

Only five markets remain for discussion. They consist of city-pair markets which are the subject of on-going Board proceedings. North Central argues that upgrading Allegheny's authority in the Philadelphia-Cincinnati/Columbus/Dayton markets would be inappropriate while the Ohio/Indiana Points Nonstop Service Investigation, Docket 21162, a proceeding in which North Central is an applicant for nonstop authority in the cited markets, is pending. We have considered similar arguments in other route realignment proceedings and have rejected them for several reasons.³⁴ We will similarly reject them here. It bears repeating that:

"[E]ven assuming *arguendo* that finalization of the show cause order would change the relative positions of the applicants in the investigation, we are not persuaded that this consideration would require the imposition of a restriction on (Allegheny's) authority. Many actions taken by the Board may have some effect on carrier selection criteria in future proceedings. However, Board proceedings would soon become unduly complex and unmanageable if we delay or otherwise restrict authority in issue in all proceedings which might affect each other."³⁵

In its objections, Southern stated that it does not object to the Board's making final its proposed new and improved authority for Allegheny in the Detroit-Nashville market provided that the Board does not rely in any respect in the forthcoming decision in the Detroit-Nashville Nonstop Investigation, Docket

²⁷ Baltimore-Dayton, Chicago-Cleveland/Detroit, Cleveland-New York, Detroit-New York, Louisville-Parkersburg, and St. Louis-Washington. It should be noted that Allegheny acquiesced to Piedmont's request that the Louisville-Parkersburg market be one-stop restricted for Allegheny. Accordingly, the discussion in the text which follows this footnote is pertinent primarily to the other six markets cited in this note.

²⁸ TWA points out that both markets are served by relatively few nonstop flights and that in the circumstance one-stop services would be highly competitive—that TWA's own one-stop flights accounted for 23 percent of its on-line passengers.

²⁹ Newport News-Cincinnati/Memphis/Nashville.

³⁰ The Norfolk Port and Industrial Authority has argued that Norfolk and Newport News should be treated equally while the Peninsula Airport Commission claims that the contention that the service areas at Newport News and Norfolk tend to overlap is without merit.

³¹ In respect to the Nashville-Newport News market, the Board's show cause order proposed that Allegheny receive nonstop authority. Piedmont's objections requested that Allegheny be two-stop restricted in the market and Allegheny subsequently acquiesced to a one-stop restriction. We agree with Allegheny that a one-stop restriction in this market should be adequate to protect Piedmont's nonstop rights.

³² United cited the criteria set forth at page 9 of the Board's order:

"In markets in which an Allegheny competitor provides single-plane service, Allegheny's authority will require one intermediate stop more than the competitive service. In situations where a competitor is authorized but does not provide service in a market, Allegheny's authority will require one intermediate stop more than the competitor's best authority."

³³ Allegheny will receive nonstop authority in Detroit-White Plains since it already possesses such authority.

21454, upon Allegheny's having two-stop authority and/or providing service and carrying traffic in the Nashville-Detroit market. While we do not want to make any comment here which could be construed as indicating our intended disposition of the issues in the Detroit-Nashville Case, it is no more than a factual observation to point out that the cited proceeding involves the need for nonstop service between Detroit and Nashville, whereas all Allegheny will acquire here is a technical liberalization²² of its existing circuitous two-stop authority, which it has not in fact heretofore utilized; that the record in the other proceeding has long since closed; and that the issues in the proceeding will of course be based on that record; and that the improved authority Allegheny will acquire here could hardly, without more, allow the carrier to claim the kind of "historic stake" in the market which Southern evidently fears. In short, we do not see how the present realignment could materially affect the decisional factors in the other case, and we perceive no problem in stating here that it will not do so.

The only remaining city-pair market requiring discussion is the Baltimore-Louisville market. The Maryland Department of Transportation has pointed out that the Louisville-Washington/Baltimore Service Investigation, Docket 21318, has been pending since 1969 and suggests that unless the Board intends to set the case down for hearing now, it should use this proceeding to grant nonstop authority to Allegheny. This proceeding is an improper forum in which to comment upon the procedural status of another proceeding and accordingly, we decline to do so. Otherwise, having been presented with no additional argumentation as to why Allegheny should be awarded nonstop authority in this market, we will retain its existing one-stop restriction.

One final matter requires comment. The City of Youngstown filed an answer in opposition to the Board's proposed realignment of Allegheny's system to the extent that the realignment "would cut in half Allegheny's minimum service obligation at Youngstown."²³ Youngstown's

objection is apparently based on the contention that the Board's proposal, in reducing the number of segments on which Youngstown appears from two (segments 10 and 12) to one, would also reduce Allegheny's minimum service requirements at Youngstown from four daily round trips to two.

We have carefully analyzed Youngstown's contentions and have also considered the series of events—including a brief but drastic curtailment of Youngstown service by Allegheny during this past winter, made by Allegheny in asserted reliance on the fuel crisis conditions then prevailing—and we are persuaded that the community has very legitimate concerns with the quality of Allegheny's service. Nonetheless its remedies do not involve the relief it seeks in this proceeding and it is mistaken in asserting that Allegheny is presently under a specific obligation to provide four round trips and that Allegheny's obligation will be halved upon finalization of the show cause order and realignment of its system into a single segment.

Youngstown's misapprehension of Allegheny's service obligations stems from its confusion of three separate, albeit interrelated, service obligations which are imposed upon the local service carriers by their certificates. Each of these will be discussed in turn.

The first—and most basic—service obligation is the requirement that each carrier, local or trunk, exercise its authority. Each certificate includes a condition that the holder "shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board. * * * That basic requirement, however, does not impose upon the carrier any rigid duty regarding levels of service nor does it require the carriers to provide single-plane service in specific city-pair markets or between every pair of points named in its certificate. Rather, "so long as the carrier continues to schedule service to each point on a route segment, it will not run afoul of the abovementioned condition in its certificate by not providing direct service between each pair of points." Pan American World Airways et al., *Pacific Route Amendments*, 12 C.A.B. 158, 173 (1950). This basic obligation to serve, however, is not involved in Youngstown's answer.

The second obligation involves the so-called "skip-stop" condition, which is included in the certificates of the local service carriers but not the trunks.²⁴ Under this condition, a carrier is prohibited from overflying an intermediate point included in the linear description of a

segment unless it has provided a minimum level of service—usually two daily round trips—to the point. It is this requirement upon which Youngstown apparently places primary reliance.

However, Youngstown is mistaken in its belief that the skip-stop condition presently requires Allegheny to provide four daily round trips at the community. In the first place, the requirement imposed is not absolute, but contingent, being activated only if the point in question is overflown on flights between other points on the same segment. Thus, Allegheny has the opportunity to avoid the skip-stop condition with respect to Youngstown simply by not overflying the community on segments 10 and 12 of its existing certificate.²⁵

More important in regard to Youngstown, however, is the fact that a carrier can rely on a single flight to satisfy a skip-stop condition with respect to several segments where the segments include parallel authority. Since Allegheny's segments 10 and 12 are parallel between Youngstown and Akron-Canton, Allegheny is able to fulfill its existing skip-stop requirements at Youngstown by scheduling two round trips in the Youngstown-Akron market. Allegheny presently schedules its service in exactly this manner. Thus all of Allegheny's present service in excess of the two Youngstown-Akron-Canton round trips (including its services to Pittsburgh, Cincinnati and Detroit) is additional to that required by the skip-stop condition. Hence, inasmuch as Allegheny now chooses to fulfill the skip-stop condition by providing two round trips daily in the Youngstown-Akron market, realignment of its certificate into a single segment will have no practical effect upon the level of service required by the skip-stop condition at Youngstown. These facts illustrate the proposition that the skip-stop condition is not the appropriate regulatory tool for dealing with quality of service problems of the sort which concern Youngstown. Indeed, its application is so mechanical that full compliance with it in no way assures a community of a satisfactory level of service.²⁶

Finally, every certificated carrier is under an obligation imposed by section 404 of the Act to render adequate service. It is this provision which requires Allegheny to provide a suitable level of service in those Youngstown markets which it is certificated to serve and it is this provision on which the Board has traditionally relied in dealing with service problems raised by civic interests. Youngstown is aware of this fact, having

²² See Order 72-9-58, September 14, 1972 at p. 4 (Hughes Airwest Realignment).

²³ See Order 72-9-58, supra at pp. 4-5.

²⁴ Although there are a number of points on Allegheny's system not far off a direct flight path between Detroit and Nashville, other restrictions in the attached certificate make it virtually impossible to construct a practical two-stop operation which would be materially less circuitous than Allegheny's existing authority via Akron or Youngstown and Pittsburgh.

²⁵ Youngstown's answer was filed late and was accompanied by a Motion for Leave to File an Unauthorized Document. We will grant Youngstown's motion. Youngstown also alleged that the Board's show cause order did not give it and other communities proper notice that the carrier's service obligation would be substantially reduced. Our discussion below on the merits of Youngstown's allegations makes moot additional discussion of Youngstown's notice argument.

²⁶ The text of the condition is as follows:

"On each trip operated by the holder over all or part of route 97, the holder shall stop at each point named between the point of origin and point of termination of such trip except a point or points with respect to which * * * (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of said route, subject to (certain conditions)."

²⁷ After the realignment, when Allegheny will have but a single segment, it will be impossible as a practical matter for the carrier to avoid overflying Youngstown and thus to avoid fulfilling its skip-stop condition with respect to Youngstown. Thus, in a small way, Youngstown's position with respect to the condition will be improved as a result of the realignment.

²⁸ See *Winona Enforcement Case*, 38 C.A.B. 885 (1963).

itself filed an adequacy of service complaint against Allegheny's fuel-crisis cut-backs in Docket 26263. While the community is correct in arguing that the use of those procedures can be "long and expensive," other informal procedures—invoked by Youngstown itself—are available through the Office of Community and Congressional Relations. We are convinced that they provide the best means by which the Board, in cooperation with affected communities, can resolve such problems as arise. Indeed, Youngstown's recent complaint was voluntarily withdrawn by the community when Allegheny agreed to restore service. See Order 74-5-41, May 8, 1974.

Finally, Allegheny requests in its Objections the following miscellaneous modifications to the Board's show cause order: (1) One daily round trip skip-stop authority at five points²⁰; (2) removal of Poughkeepsie from its certificate²¹; (3) removal of long-haul restrictions in the Detroit-Cleveland and Memphis-Nashville markets; and (4) exclusion for various reasons of 16 city-pair markets from the subsidy-ineligible list circulated with the show cause order. No voices in opposition have been raised to these requests, and accordingly, we will grant them with the exception of Allegheny's request to remove from the subsidy-ineligible list six markets in which it is claimed by Allegheny that service is not "economically feasible." Our analysis indicates that traffic flows in the six markets may be greater than Allegheny claims, and, accordingly, we do not agree that they should be made eligible for subsidy.²²

For purposes of determining a license fee in accordance with the schedules set forth in § 389.25 of the Board's organization regulations (14 CFR 389.25), the Board finds that the additional gross annual transport revenues for the first full year of operations by Allegheny as a result of the new authority granted herein, will be within the \$100,000-\$1,000,000 range.

Accordingly, it is ordered, That: 1. The tentative findings and conclusions set forth in Order 73-10-24, dated October 4, 1973, as modified herein, be and they hereby are made final;

2. An amended certificate of public convenience and necessity for route 97²³

²⁰ Grand Rapids, South Bend, Lafayette, Kalamazoo and Zanesville.

²¹ Poughkeepsie was deleted from Allegheny's system by Order 73-9-89, September 25, 1973.

²² On a related matter, we note that by Order 74-6-42, June 7, 1974, the Board issued a show cause order directing all interested persons to show cause why the Board should not establish a subsidy-free mail rate for Allegheny. One of the tentative findings and conclusions in the Realignment show cause order was that realignment carried the potential for a substantial reduction in Allegheny's subsidy need and subsidy payments. We have carefully considered the ramifications of this development and have concluded that the numerous other benefits which would inure to Allegheny from realignment—fully recited in our show cause order—justify making final our proposed findings and conclusions in Order 73-10-24 and realigning Allegheny's system independent of any potential impact on Allegheny's subsidy.

²³ Filed as part of the original document.

in the form attached hereto be issued to Allegheny Airlines, Inc.;

3. Such certificates shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board, and shall be effective on October 11, 1974: Provided, however, that prior to the date on which this amended certificate would otherwise become effective, the Board, either on its own motion or upon the timely filing of a petition or petitions for reconsideration of this order, may by order or orders extend such effective date from time to time: Provided, further, that the effective date of said amended certificate shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to § 389.21(b) of the regulations;

4. The Motion of Allegheny Airlines, Inc. for Leave to File an Otherwise Unauthorized Document be and it hereby is granted;

5. The Motion of the City of Youngstown for Leave to File an Otherwise Unauthorized Document be and it hereby is granted;

6. Petitions for Reconsideration of this order may be filed within 20 days after the service date hereof;

7. Except to the extent granted herein all applications, requests, and motions involved in this proceeding be and they hereby are denied; and

8. A copy of this order shall be served upon the parties listed in Appendix G.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A—CITY PAIR MARKETS IN WHICH ALLEGHENY REQUESTED IMPROVED AUTHORITY TO WHICH NO REPLY OBJECTIONS WERE RAISED¹

City pair	Authority	
	Proposed	Granted
Akron-Charleston	1	0
Akron-Huntington	1	0
Akron-Philadelphia	1	0
Akron-St. Louis	1	0

APPENDIX B—CITY PAIR MARKETS IN WHICH ALLEGHENY PROPOSED IMPROVED AUTHORITY WHICH IS DENIED IN VIEW OF SUSTAINED OBJECTIONS

City pair	Authority		
	Proposed	Allegheny's request	Granted
Akron-Minneapolis	1B	1	1B
Baltimore-Columbus	1	10	1
Burlington-Philadelphia	1	10	1
Burlington-Washington	1	10	1
Charleston-Newport News	2	0	1 ²
Chicago-Minneapolis	2B	2	2B
Cleveland-Minneapolis	1B	1	1B
Columbus-Minneapolis	2B	2	2B
Dayton-Minneapolis	1B	1	1B
Detroit-Minneapolis	1B	2	2B
Grand Rapids-Minneapolis	2B	1	1
Grand Rapids-Pittsburgh	1	1	2
Louisville-Nashville	1B	1	1B
Minneapolis-Pittsburgh	2B	2	2B
Minneapolis-South Bend	2B	2	2B
Minneapolis-Toledo	1B	1	1B
Minneapolis-Youngstown	2	10	2
Norfolk-Pittsburgh	1	10	1
Philadelphia-Toledo	1	0	1
Pittsburgh-South Bend	1	0	1

¹ Allegheny's request is supported by one or more Civic Parties.

² Allegheny's answer requested nonstop authority but in response to Piedmont's objection, later modified the request by seeking one-stop authority. We have honored Piedmont's objection only to the extent of imposing a one-stop restriction.

City pair	Authority	
	Proposed	Granted
Albany-Washington	1	0
Altoona-Minneapolis	1B	0
Bellefonte-Minneapolis	1B	0
Bloomington-Minneapolis	1B	0
Boston-Huntington	1	0
Bradford-Minneapolis	1B	0
Buffalo-Cincinnati	1	0
Buffalo-Columbus	1	0
Charleston-Minneapolis	2B	0
Charleston-Scranton	1	0
Charleston-Syracuse	1	0
Charleston-Wilmington	1	0
Cincinnati-Memphis	2	1
Cincinnati-Minneapolis	2B	2
Cincinnati-Nashville	2	1
Clarksville-Minneapolis	1B	0
Cleveland-Minneapolis	1B	0
Cleveland-Detroit	0 ²	0
Cleveland-Grand Rapids	2 ²	1
Columbus-Memphis	2	1
Columbus-Nashville	2	1
Danville-Minneapolis	1B	0
Dayton-Louisville	1	0
Dayton-Memphis	2	1
Dayton-Nashville	2	1
Dayton-Norfolk	2	1
Detroit-Huntington	1	0
DuBois-Minneapolis	1B	0
Elkins-Minneapolis	1B	0
Erie-Minneapolis	1B	0
Evansville-Minneapolis	2B	0
Hartford-Huntington	1	0
Huntington-Minneapolis	1B	0
Huntington-Providence	1	0
Huntington-Syracuse	1	0
Huntington-Wilmington	1	0
Indianapolis-Minneapolis	1B	1
Indianapolis-Memphis	2	1
Indianapolis-Nashville	2	0
Jamestown-Minneapolis	1B	0
Johnstown-Minneapolis	1B	0
Kokomo-Minneapolis	1B	0
Lafayette-Minneapolis	1B	0
Lexington-Minneapolis	1B	1
Lima-Minneapolis	1B	0
Louisville-Memphis	2	1
Louisville-Minneapolis	2B	2
Mansfield-Minneapolis	1B	0
Memphis-Minneapolis	2B	2
Memphis-Nashville	0 ²	0
Minneapolis-Morgantown	1B	0
Minneapolis-Muncie	1B	0
Minneapolis-Nashville	2B	2
Minneapolis-Olean	1B	0
Minneapolis-Oil City	1B	0
Minneapolis-Parkersburg	1B	0
Minneapolis-Sandusky	1B	0
Minneapolis-St. Louis	2B	2
Minneapolis-Terre Haute	1B	0
Minneapolis-Zanesville	1B	0

¹ Authority shown is the minimum number of stops in each market. A required stop at Buffalo as an intermediate point is indicated by the letter "B" in this and all subsequent Appendices.

² Long-haul restricted.

³ Show cause order erroneously indicates that Allegheny presently has two-stop authority, while it actually has noncircumlocous one-stop authority.

APPENDIX C—CITY PAIR MARKETS IN WHICH ALLEGHENY PROPOSED IMPROVED AUTHORITY WHICH IS GRANTED OVER UNMERITORIOUS OBJECTIONS

City pair	Authority		
	Proposed	Allegheny's request	Granted
Boston-Norfolk.....	1	10	20
Charleston-Evansville.....	1	0	20
Charleston-Indianapolis.....	1	0	20
Charleston-St. Louis.....	1	0	20
Evansville-Huntington.....	1	0	20
Huntington-Indianapolis.....	1	0	20
Huntington-St. Louis.....	1	0	20
Louisville-Philadelphia.....	1	10	20

¹ Allegheny's request joined by one or more Civic Parties.

² Granted over opposition by Piedmont.

APPENDIX D.—Carrier objections by category, and authority granted in light of the objections

(1) Burlington-Midwest markets objected to by Delta:

City pair	Proposed	Authority	
		Objecting carrier request	Granted
Burlington-Cincinnati.....	0	Condition ¹	Condition ²
Burlington-Cleveland.....	1	do. ¹	Do. ²
Burlington-Columbus.....	0	do. ¹	Do. ²
Burlington-Dayton.....	0	do. ²	Do. ²
Burlington-Detroit.....	1	do. ¹	Do. ²
Burlington-Evansville.....	0	do. ²	Do. ²
Burlington-Indianapolis.....	0	do. ¹	Do. ²
Burlington-Lexington.....	0	do. ²	Do. ²
Burlington-Memphis.....	0	do. ¹	Do. ²
Burlington-Nashville.....	0	do. ¹	Do. ²
Burlington-St. Louis.....	0	do. ¹	Do. ²
Burlington-Toledo.....	0	do. ²	Do. ²
Burlington-Louisville.....	0	do. ¹	Do. ²

¹ All flights serving Burlington, Vermont, and points west of Buffalo, N.Y., shall also serve Albany or New York, N.Y.

² Footnote 1 above would apply, and to it would be added: The holder shall serve two intermediate points between Burlington, Vermont, and Dayton and Toledo, Ohio; Evansville, Indiana; and Lexington, Kentucky.

³ Must stop at Albany or New York, N.Y. or any two points.

(2) Requests For Mandatory Stop at Specific Point

City pair	Proposed	Authority	
		Named point	Granted
Allentown-Minneapolis.....	1	Buffalo.....	1
Baltimore-Minneapolis.....	1	do.....	1
Boston-Minneapolis.....	1	do.....	1
Chicago-Cincinnati.....	1	Indianapolis.....	1
Chicago-Columbus.....	1	do.....	1
Chicago-Dayton.....	1	do.....	1
Columbus-Grand Rapids.....	1	Cincinnati/Indianapolis.....	1
Columbus-South Bend.....	0	do.....	0
Dayton-Grand Rapids.....	0	do.....	0
Dayton-South Bend.....	0	do.....	0
Grand Rapids-New York.....	1	Indianapolis.....	1
Hartford-Minneapolis.....	1	Buffalo.....	1
Minneapolis-New York.....	2	do.....	2
Minneapolis-Philadelphia.....	2	do.....	2
Minneapolis-Washington.....	1	do.....	1
New York-South Bend.....	1	Indianapolis.....	1

(3) General Competitive Impact

City pair	Proposed authority	Objection by carrier	Authority granted
Baltimore-Dayton	1 2-TW		2
Chicago-Cleveland	1 2-NC, NW		2
Chicago-Detroit	1 2-AA, NC, NW		12
Chicago-Grand Rapids	2 2-NC		22
Chicago-Kalamazoo	2 2-NC		22
Chicago-South Bend	2 2-NC		22
Chicago-Washington	1 2-AA, NW, PI, TW		21
Cincinnati-Newport News	1 2-PI		41
Cleveland-Louisville	1 2-AA		21
Cleveland-New York	1 2-AA, NC, TW		2
Columbus-Newport News	1 2-UA		1
Columbus-Norfolk	1 2-UA		1
Dayton-Newport News	1 2-UA		1
Detroit-Grand Rapids	2 2-NC		21
Detroit-Kalamazoo	2 2-NC		22
Detroit-New York	1 2-AA, NC, NW, TW		2
Detroit-South Bend	2 2-NC		2
Louisville-Parkersburg	0 1-PI		41
Memphis-Newport News	1 Named point-PI		41
Nashville-Newport News	0 2-PI		41
St. Louis-Washington	1 2-TW		2

¹ Allegheny's only viable one-stop routing is over a suspended point (Lima) so for all practical purposes, it does not presently possess one-stop authority.

² North Central apparently misread the Board's proposed certificate for Allegheny which made these two-stop markets.

³ Show cause order erroneously reported Allegheny's authority to be two-stop, when it is actually one-stop over noncontiguous routings.

⁴ Piedmont argues that Newport News and Norfolk should receive identical restrictions with paired cities (and Philadelphia in regard to Memphis).

⁵ Allegheny acquiesced to Piedmont's request that the two carriers be awarded similar stop authority in this market.

(4) Islip/White Plains Markets¹

City pair	Proposed	Granted
Chicago-White Plains	0	1
Cincinnati-Islip	0	1
Cincinnati-White Plains	0	1
Cleveland-Islip	0	21
Cleveland-White Plains	0	1
Columbus-Islip	0	1
Columbus-White Plains	0	1
Dayton-Islip	0	1
Dayton-White Plains	0	1
Detroit-Islip	0	21
Detroit-White Plains	0	20
Islip-Minneapolis	0	1
St. Louis-White Plains	0	1

¹ All but one are TWA's objections. NW joined TWA in regard to Islip-Detroit, and only NW objected in regard to Islip-Minneapolis.

² Allegheny's reply assertions that it already has non-stop authority in these markets is wrong. Condition 4(b) of its present certificate prohibits such flights.

³ Allegheny already has nonstop authority on its present segment 19.

(5) City Pair Markets Which Are The Subject of Ongoing Board Proceedings

City pair	Proposed Authority	Granted Authority
Baltimore-Louisville	1	11
Cincinnati-Philadelphia	1	1
Columbus-Philadelphia	1	1
Dayton-Philadelphia	1	1
Detroit-Nashville	2	2

¹ Nonstops requested by Civic Party in the event the Louisville-Washington/Baltimore Service Investigation is not set for hearing.

APPENDIX E-MARKETS IN WHICH OBJECTIONS HAVE BEEN FILED TO THE BOARD'S PROPOSED REALIGNMENT OF ALLEGHENY'S SYSTEM

MARKETS LISTED BY CARRIER

American:

Chicago-Detroit
Washington
Cleveland-Louisville
New York
Detroit-New York

Delta:

Burlington-Cincinnati

Cleveland
Columbus
Dayton
Detroit
Evansville
Indianapolis
Lexington
Louisville
Memphis
Nashville
Philadelphia
St. Louis
Toledo
Washington
Burlington—all other markets west of Buffalo

North Central:

Cincinnati-Philadelphia

Chicago-Cincinnati

Cleveland
Columbus
Dayton
Detroit
Grand Rapids
Kalamazoo
South Bend
Cleveland-New York
Columbus-Grand Rapids
Philadelphia
South Bend
Dayton-Grand Rapids
Philadelphia
South Bend
Detroit-Grand Rapids
Kalamazoo
New York
South Bend
Grand Rapids-New York
New York-South Bend

Northwest:

Boston-Minneapolis
Chicago-Cleveland
Detroit
Minneapolis
Washington
Cleveland-Minneapolis
Detroit-Islip
Minneapolis
New York
Islip-Minneapolis

Minneapolis-New York
Philadelphia
Pittsburgh
Washington
Minneapolis-all other markets
Ozark: Louisville-Nashville

Piedmont:

Boston-Norfolk
Charleston-Evansville
Indianapolis
Newport News
St. Louis
Chicago-Washington
Cincinnati-Newport News
Evansville-Huntington
Huntington-Indianapolis
St. Louis
Louisville-Parkersburg
Philadelphia
Memphis-Newport News
Nashville-Newport News
Norfolk-Pittsburgh

TWA:

Baltimore-Columbus
Dayton
Chicago-Washington
White Plains
Cincinnati-Islip
White Plains
Cleveland-Islip
New York
White Plains
Columbus-Islip
White Plains
Dayton-Islip
White Plains
Detroit-Islip
New York
White Plains
St. Louis-Washington
White Plains

Southern:

Detroit-Nashville

United:

Akron-Minneapolis
Allentown-Minneapolis
Baltimore-Columbus
Minneapolis
Boston-Minneapolis
Chicago-Minneapolis
Cleveland-Minneapolis
Columbus-Minneapolis
Newport News
Norfolk
Dayton-Minneapolis
Newport News
Detroit-Minneapolis
Grand Rapids-Minneapolis
Pittsburgh
Hartford-Minneapolis
Minneapolis-Pittsburgh
South Bend
Toledo
Youngstown
Norfolk-Pittsburgh
Philadelphia-Toledo
Pittsburgh-South Bend

Allegheny:

Akron-Charleston
Huntington
Minneapolis
Philadelphia
St. Louis
Albany-Washington
Altoona-Minneapolis
Baltimore-Columbus
Bellefonte-Minneapolis
Bloomington-Minneapolis
Boston-Huntington
Norfolk
Bradford-Minneapolis
Buffalo-Cincinnati
Columbus
Burlington-Philadelphia
Washington

Allegheny—Continued

Charleston-Evansville
 Indianapolis
 Minneapolis
 Newport News
 St. Louis
 Scranton
 Syracuse
 Wilmington
 Chicago-Minneapolis
 Cincinnati-Memphis
 Minneapolis
 Nashville
 Clarksburg-Minneapolis
 Clearfield-Minneapolis
 Cleveland-Detroit
 Grand Rapids
 Minneapolis
 Columbus-Memphis
 Minneapolis
 Nashville
 Danville-Minneapolis
 Dayton-Louisville
 Memphis
 Minneapolis
 Nashville
 Norfolk
 Detroit-Grand Rapids
 Huntington
 Minneapolis
 DuBois-Minneapolis
 Elkins-Minneapolis
 Erie-Minneapolis
 Evansville-Huntington
 Minneapolis
 Grand Rapids-Minneapolis
 Pittsburgh
 Hartford-Huntington
 Huntington-Indianapolis
 Minneapolis
 Providence
 St. Louis
 Syracuse
 Wilmington
 Indianapolis-Minneapolis
 Memphis
 Nashville
 Jamestown-Minneapolis
 Johnstown-Minneapolis
 Kokomo-Minneapolis
 Lafayette-Minneapolis
 Lexington-Minneapolis
 Lima-Minneapolis
 Louisville-Memphis
 Minneapolis
 Nashville
 Parkersburg
 Philadelphia
 Mansfield-Minneapolis
 Memphis-Minneapolis
 Nashville
 Minneapolis-Morgantown
 Muncie
 Nashville
 Olean
 Oil City
 Parkersburg
 Pittsburgh
 Sandusky
 St. Louis
 South Bend
 Terre Haute
 Toledo
 Youngstown
 Zanesville
 Nashville-Newport News
 Norfolk-Pittsburgh
 Philadelphia-Toledo
 Pittsburgh-South Bend
 The Buffalo Area Chamber of Commerce,
 The City of Buffalo, The County of Erie,
 and The Niagara Frontier Transportation
 Authority
 Buffalo-Cincinnati
 Buffalo-Columbus
 Capital District Chamber of Commerce of
 New York State, Inc.
 Albany-Washington

Lake Champlain Regional Chamber of Commerce, The State of Vermont, The City of Burlington, and The Greater Burlington Improvement Corp.
 Burlington-Philadelphia
 Burlington-Washington
 The Greater Cincinnati Chamber of Commerce and The Kent County Airport Board
 Buffalo-Cincinnati
 City of Dayton, Ohio and the Dayton Chamber of Commerce
 Baltimore-Dayton
 Dayton-Louisville
 Dayton-Norfolk
 City of Grand Rapids, Michigan, Greater Grand Rapids Chamber of Commerce and County of Kent, Michigan
 Grand Rapids-Pittsburgh
 Indianapolis Airport Authority
 Indianapolis-Nashville
 Islip, Long Island
 Cincinnati-Islip
 Cleveland-Islip
 Columbus-Islip
 Dayton-Islip
 Detroit-Islip
 Minneapolis-Islip
 Louisville and Jefferson County Air Board
 Dayton-Louisville
 Louisville-Philadelphia
 Maryland Department of Transportation
 Albany-Washington
 Baltimore-Columbus
 Dayton
 Louisville
 Massachusetts Port Authority
 Boston-Norfolk
 Norfolk Port and Industrial Authority
 Boston-Norfolk
 Cincinnati-Newport News
 Columbus-Norfolk
 Dayton-Norfolk
 Memphis-Newport News
 Nashville-Newport News
 Norfolk-Pittsburgh
 New York State Department of Transportation
 Albany-Washington
 Peninsula Airport Commission
 Cincinnati-Newport News
 Memphis-Newport News
 Nashville-Newport News
 City of Philadelphia and the Greater Philadelphia Chamber of Commerce
 Akron-Philadelphia
 Burlington-Philadelphia
 Louisville-Philadelphia
 Philadelphia-Toledo
 The Toledo-Lucas County Port Authority, The Toledo Area Chamber of Commerce, and The City of Toledo
 Philadelphia-Toledo
 Youngstown, Ohio
 Youngstown Service

APPENDIX F—ALLEGHENY AIRLINES, INC.

LIST OF OPERATIONS INELIGIBLE FOR SUBSIDY

1. Flight stages to and from the following points:

Allentown/Bethlehem/Easton
 Burlington
 Glens Falls
 Lexington
 Louisville
 Memphis
 Minneapolis/St. Paul
 Nashville
 Newport News/Hampton/Williamsburg/
 Yorktown
 Norfolk/Virginia Beach/Portsmouth/
 Chesapeake
 Plattsburgh
 Rutland
 St. Louis
 Saranac Lake/Lake Placid

2. Turnaround operations between New

York/Newark and Providence

3. Nonstop operations between the following pairs of points:

Akron-Philadelphia
 Albany-Atlantic City
 Albany-Baltimore
 Albany-Buffalo/Niagara Falls
 Albany-Cape May
 Albany-Cleveland
 Albany-Islip
 Albany-Jamestown
 Albany-New Haven/Bridgeport
 Albany-New York/Newark
 Albany-Ogdensburg/Massena
 Albany-Olean
 Albany-Philadelphia/Camden
 Albany-Salisbury
 Albany-Trenton
 Albany-Washington
 Albany-White Plains
 Albany-Wilmington
 Altoona-Bradford
 Altoona-Buffalo/Niagara Falls
 Altoona-Huntington
 Altoona-Islip
 Altoona-Jamestown
 Altoona-Oil City/Franklin
 Altoona-Parkersburg/Marietta
 Altoona-Reading
 Atlantic City-Bradford
 Atlantic City-Cleveland
 Atlantic City-Detroit
 Atlantic City-Erie
 Atlantic City-Huntington
 Atlantic City-Jamestown
 Atlantic City-Parkersburg/Marietta
 Atlantic City-Reading
 Atlantic City-Williamsport
 Baltimore-Boston
 Baltimore-Bradford
 Baltimore-Buffalo/Niagara Falls
 Baltimore-Cincinnati
 Baltimore-Erie
 Baltimore-Indianapolis
 Baltimore-Jamestown
 Baltimore-New York/Newark
 Baltimore-Oil City/Franklin
 Baltimore-Pittsburgh/Wheeling
 Baltimore-Williamsport
 Bellefonte/State College-Harrisburg/
 York
 Bellefonte/State College-Islip
 Binghamton/Endicott/Johnson City-
 Chicago
 Binghamton/Endicott/Johnson City-Erie
 Bloomington-Indianapolis
 Boston-Bradford
 Boston-Buffalo/Niagara Falls
 Boston-Harrisburg/York
 Boston-Jamestown
 Boston-Lancaster
 Boston-Olean
 Boston-Philadelphia/Camden
 Boston-Pittsburgh/Wheeling
 Boston-Reading
 Boston-Rochester
 Boston-Syracuse
 Boston-Washington
 Bradford-Hagerstown/Martinsburg
 Bradford-Hartford/Springfield/Westfield
 Bradford-Huntington
 Bradford-Islip
 Bradford-Johnstown
 Bradford-New Haven/Bridgeport
 Bradford-New London/Groton
 Bradford-Parkersburg/Marietta
 Bradford-Providence
 Bradford-Washington
 Buffalo/Niagara Falls-Cleveland
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 tinsburg
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 Buffalo/Niagara Falls-Huntington
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 Buffalo/Niagara Falls-Johnstown

Buffalo/Niagara Falls-New York/Newark
 Buffalo/Niagara Falls-Parkersburg/
 Marietta
 Buffalo/Niagara Falls-Pittsburgh/
 Wheeling
 Buffalo/Niagara Falls-Washington
 Buffalo/Niagara Falls-Williamsport
 Buffalo/Niagara Falls-Cincinnati
 Buffalo/Niagara Falls-Columbus
 Chicago-Elmira/Corning
 Chicago-Erie
 Chicago-Indianapolis
 Chicago-Ithaca/Cortland
 Chicago-Pittsburgh/Wheeling
 Chicago-Scranton/Wilkes-Barre
 Chicago-Utica/Rome
 Chicago-Williamsport
 Cincinnati-Scranton/Wilkes-Barre
 Clarksburg/Fairmont-New York/Newark
 Clarksburg/Fairmont-Philadelphia/
 Camden
 Clearfield/Phillipsburg-Harrisburg/York
 Clearfield/Phillipsburg-Islip
 Cleveland - Hartford/Springfield/West-
 field
 Cleveland-Islip
 Cleveland-New Haven/Bridgeport
 Cleveland-New London/Groton
 Cleveland-Syracuse
 Columbus-Pittsburgh/Wheeling
 Columbus-Scranton/Wilkes-Barre
 Dayton-Pittsburgh/Wheeling
 Detroit-Islip
 Detroit-New Haven/Bridgeport
 Detroit-New London/Groton
 Dubois-Harrisburg/York
 Dubois-Islip
 Elmira/Corning-Erie
 Elmira/Corning-Philadelphia/Camden
 Elmira/Corning-Washington
 Erie-Islip
 Erie-Ithaca/Cortland
 Erie-Keene
 Erie-New Haven/Bridgeport
 Erie-New London/Groton
 Erie-Rochester
 Erie-Syracuse
 Erie-Utica/Rome
 Erie-Washington
 Erie-White Plains
 Erie-Worcester
 Evansville-Indianapolis
 Evansville-Pittsburgh/Wheeling
 Grand Rapids-Toledo
 Hagerstown/Martinsburg-Jamestown
 Hagerstown/Martinsburg-Oil City/
 Franklin
 Hagerstown/Martinsburg-Williamsport
 Harrisburg/York-Hartford/Springfield/
 Westfield
 Harrisburg/York-Huntington
 Harrisburg/York-Islip
 Harrisburg/York-New Haven/Bridgeport
 Harrisburg/York-New London/Groton
 Harrisburg/York-Oil City/Franklin
 Harrisburg/York-Parkersburg/Marietta
 Harrisburg/York-Providence
 Hartford/Springfield/Westfield - James-
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 Hartford/Springfield/Westfield - Lancaster
 Hartford/Springfield/Westfield-Olean
 Hartford/Springfield/Westfield - Pitts-
 burgh/Wheeling
 Hartford/Springfield/Westfield-Reading
 Hartford/Springfield/Westfield - Roches-
 ter
 Hartford/Springfield/Westfield-Syracuse
 Hartford/Springfield/Westfield - Wash-
 ington
 Hartford/Springfield/Westfield - White
 Plains
 Hazleton-Islip
 Huntington-Jamestown
 Huntington-Johnstown
 Huntington-Lancaster
 Huntington-New York/Newark

Huntington-Oil City/Franklin
 Huntington-Philadelphia/Camden
 Huntington-Reading
 Indianapolis-Kokomo/Logansport/Peru
 Indianapolis-Muncie/Anderson/New Cas
 Indianapolis-New York/Newark
 Islip-Jamestown
 Islip-Johnstown
 Islip-Lancaster
 Islip-Pittsburgh/Wheeling
 Islip-Reading
 Islip-Rochester
 Islip-Scranton/Wilkes-Barre
 Islip-Williamsport
 Ithaca/Cortland-Washington
 Jamestown-Johnstown
 Jamestown-New Haven/Bridgeport
 Jamestown-New London/Groton
 Jamestown-Parkersburg/Marietta
 Jamestown-Washington
 Johnstown-Oil City/Franklin
 Johnstown-Parkersburg/Marietta
 Johnstown-Reading
 Lancaster-New Haven/Bridgeport
 Lancaster-New London/Groton
 Lancaster-Parkersburg/Marietta
 Lancaster-Providence
 Lancaster-Scranton/Wilkes-Barre
 Lancaster-Washington
 Morgantown-New York/Newark
 New Haven/Bridgeport-Reading
 New London/Groton-New York/Newark
 New London/Groton-Reading
 New York/Newark-Rochester
 New York/Newark-Parkersburg/Marietta
 New York/Newark-Pittsburgh/Wheeling
 Oil City/Franklin-Parkersburg/
 Marietta
 Oil City/Franklin-Washington
 Oil City/Franklin-Williamsport
 Olean-Providence
 Parkersburg/Marietta-Philadelphia/
 Camden
 Parkersburg/Marietta-Reading
 Philadelphia/Camden-White Plains
 Pittsburgh/Wheeling-Reading
 Pittsburgh/Wheeling-Rochester
 Providence-Reading
 Reading-Scranton/Wilkes-Barre
 Reading-Washington
 Rochester-Washington
 Syracuse-Washington
 Utica/Rome-Washington
 Washington-White Plains
 Washington-Williamsport
 4. One-stop or better operations between
 the following pairs of points:
 Albany-Erie
 Albany-Washington
 Baltimore-Cleveland
 Baltimore-Detroit
 Binghamton/Endicott/Johnson City-
 Detroit
 Boston-Buffalo/Niagara Falls
 Boston-Cleveland
 Boston-Lexington
 Boston-Pittsburgh/Wheeling (via
 Albany or Binghamton/Endicott/
 Johnson City)
 Buffalo/Niagara Falls-Hartford/
 Springfield/Westfield
 Buffalo/Niagara Falls-Memphis
 Buffalo/Niagara Falls-Nashville
 Buffalo/Niagara Falls-Providence
 Cleveland-Philadelphia/Camden
 Cleveland-Washington
 Detroit-Elmira/Corning
 Detroit-Ithaca/Cortland
 Detroit-Keene
 Detroit-Philadelphia/Camden
 Detroit-Providence
 Detroit-Rochester
 Detroit-Syracuse
 Detroit-Utica/Rome
 Detroit-Washington
 Detroit-White Plains
 Detroit-Worcester

Erie-Hartford/Springfield/Westfield
 Jamestown-Providence
 Indianapolis-St. Louis
 Lexington-New York/Newark
 Memphis-New York/Newark
 Nashville-New York/Newark
 5. Two-stop or better operations between
 the following pairs of points:
 Albany-Detroit
 Boston-Erie
 Detroit - Hartford/Springfield/Westfield
 New York/Newark
 6. Three-stop or better operations between
 Boston and Detroit.

APPENDIX G-ALLEGHENY ROUTE REALIGNMENT SERVICE LIST

This order is being served on the following:
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 Staff Vice President,
 Regulatory Affairs,
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P.O. Box 66100,
Chicago, Illinois 60666.

THE MAYORS OF

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Hampton, Va.

Hazleton, Pa.
Huntington, W. Va.
Indianapolis, Ind.
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Ithaca, N.Y.
Jamestown, N.Y.
Johnson City, N.Y.
Johnstown, Pa.
Kalamazoo, Mich.
Keene, N.H.
Kokomo, Ind.
Lafayette, Ind.
Lake Placid, N.Y.
Lancaster, Pa.
Lexington, Ky.
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Logansport, Ind.
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Marietta, Ohio
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Muncie, Ind.
Nashville, Tenn.
Newark, N.J.
New Castle, Ind.
New Haven, Conn.
New London, Conn.
Newport News, Va.
New York, N.Y.
Niagara Falls, N.Y.
Norfolk, Va.
Ogdensburg, N.Y.
Oil City, Pa.
Olean, N.Y.
Parkersburg, W. Va.
Peru, Ind.
Philadelphia, Pa.
Phillipsburg, Pa.
Pittsburgh, Pa.
Plattsburgh, N.Y.
Portsmouth, Va.
Poughkeepsie, N.Y.
Providence, R.I.
Reading, Pa.
Rochester, N.Y.
Rutland, Vt.
Rome, N.Y.
St. Louis, Mo.
Salisbury, Md.
Sandusky, Ohio
Saranac Lake, N.Y.
Scranton, Pa.
South Bend, Ind.
St. Paul, Minn.
South Bend, Ind.
Springfield, Mass.
State College, Pa.
Syracuse, N.Y.
Terre Haute, Ind.
Toledo, Ohio
Trenton, N.J.
Utica, N.Y.
Virginia Beach, Va.
Washington, D.C.
Watertown, N.Y.
Wheeling, Pa.
White Plains, N.Y.
Wilkes-Barre, Pa.
Williamsburg, Va.
Williamsport, Pa.
Wilmington, Del.
Worcester, Mass.
Youngstown, Ohio
York, Pa.
Yorktown, Ohio
Zanesville, Ohio

THE GOVERNORS OF

Connecticut
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Maryland
Massachusetts
Illinois
Indiana

Michigan
Minnesota
Missouri
New Hampshire
New Jersey
New York
Ohio
Pennsylvania
Tennessee
Vermont
Virginia
West Virginia

Connecticut Department of Transportation,
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Delaware Aeronautics Section, Division of
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Kentucky Department of Aeronautics, Old
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Department of Transportation, Friendship
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New Hampshire Aeronautics Commission,
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Massachusetts Aeronautics Commission, Bos-
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02128.
Indiana Aeronautics Commission, 100 North
Senate Ave., Indianapolis, Ind. 46204.
Michigan Aeronautics Commission, Depart-
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Lansing, Mich. 48906.
Minnesota Department of Aeronautics, St.
Paul Downtown Airport, (Holman Field),
Administration Bldg., St. Paul, Minn. 55107.
Missouri Division of Commerce and Indus-
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Tennessee Aeronautics Commission, Box 3557,
Airport Station, Nashville, Tenn. 37217.
Vermont Aeronautics Board, State House,
Montpelier, Vt. 05602.
Virginia State Corporation Commission, Divi-
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Ave., Box 7716, Richmond, Va. 23231.
West Virginia State Aeronautics Commis-
sion, Kanawha Airport, Charleston, W. Va.
25311.
Illinois Department of Aeronautics, Capital
Airport, Springfield, Ill. 62705.

[FR Doc. 74-18539 Filed 8-14-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22859; Order 74-8-47]

ALLEGHENY AIRLINES, INC.

Order of Suspension Regarding Domestic
Air Freight Rate Investigation

Adopted by the Civil Aeronautics Board
at its office in Washington, D.C., on the
12th day of August 1974.

By tariff revisions posted July 12, 1974,
and marked to become effective August
26, 1974, Allegheny Airlines, Inc. (Alle-
gheny) proposes revisions in its general
commodity rates as follows:

1. Increase the minimum charge per ship-
ment from \$11.00 to \$12.00;

2. Increase less-than-100-pound rates by 2¢ per pound;
3. Increase 100-pound and 500-pound rates by approximately 12 percent in markets of less than 1,000 miles, and 8 percent in markets of over 1,000 miles; and
4. Reduce the exception rating for human remains shipments from 169 percent to 152 percent of the general commodity rate.

In justifying its proposal, Allegheny asserts, inter alia, that its current general commodity rates would have produced an after-tax loss of \$60,000 on freight for the 12 months ended March 31, 1974, even after including the rate increase of about 6 percent, which became effective on April 15, 1974, and that fuel price increases of approximately 55 percent over base-year prices would have raised base-year operating expenses by \$1,269,000. The carrier forecasts that \$1,538,000 in additional freight revenues (a 9.24 percent increase) and a \$74,000 after-tax profit would result from the proposal in the base year, assuming no change in the base-year volume of traffic. Allegheny alleges that its general commodity rate increases match those recently approved by the Board for TWA and United.

The proposed rates and charges come within the scope of the "Domestic Air Freight Rate Investigation." Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to let it become effective pending investigation.

The Board has reviewed these proposed rates in the light of industry costs of carrying air freight¹ (including a full return on investment) and adjusted for recent fuel price increases, and finds that 40 of the proposed rates for 500-pound shipments are above costs. Almost all of the affected markets involve lengths of haul in excess of 800 miles, and a large majority are to and from Minneapolis/St. Paul and Memphis.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent that it applies to such rates as set forth in detail in Appendix A, should be suspended. The remaining portion of the proposal, including the increased minimum charge, the reduced exception rating for human remains (which applied to the increased rates results in no change in shipper charges), and the remaining increased bulk general commodity rates, appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the increased rates described in Appendix A hereto are suspended and their use deferred to and including November 23, 1974, unless otherwise ordered by the Board and that no change be made therein during the period of suspension except by order or special permission of the Board;

¹ See Order 74-7-120, for explanation of cost-based rates.

2. Copies of this order shall be filed with the tariffs and served upon Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Column 1	Column 2	Column 3
Atlantic City.....	Minneapolis/St. Paul.....	13th and 14th Revised Pages 192-B.
Binghamton.....	Memphis.....	15th and 16th Revised Pages 194.
Boston.....	Danville, Evansville, Memphis, Minneapolis/St. Paul.....	10th Revised Page 194-A.
Do.....	do.....	11th Revised Page 194-B.
Burlington.....	Nashville.....	15th and 16th Revised Pages 196.
Cape May.....	Minneapolis/St. Paul.....	10th and 11th Revised Pages 196-A.
Danville.....	Memphis, Nashville.....	8th Revised Page 198-B.
Evansville.....	Saranac Lake.....	14th Revised Page 202.
Hagerstown.....	Minneapolis/St. Paul.....	14th Revised Page 204.
Hartford.....	do.....	14th Revised Page 205.
Hazleton.....	do.....	14th Revised Page 206.
Huntington.....	do.....	14th Revised Page 207.
Islip.....	St. Louis.....	14th Revised Page 208.
Do.....	Memphis.....	14th Revised Page 208.
Ithaca.....	St. Louis.....	15th and 16th Revised Pages 210.
Keene.....	Memphis.....	15th and 16th Revised Pages 210.
Lafayette.....	New London, Plattsburgh, Providence, Bend, Trenton.....	4th Revised Page 212-A.
Memphis.....	Providence, Reading, Trenton, Utica, Washington, Williams- port, Youngstown.....	4th Revised Page 212-A.
Do.....	Saranac Lake.....	15th and 16th Revised Pages 213.
Minneapolis/St. Paul.....	do.....	13th Revised Page 218.
Nashville.....	do.....	13th Revised Page 218.
St. Louis.....	do.....	13th Revised Page 218.
Saranac Lake.....	Terre Haute.....	13th Revised Page 218.

TARIFF C.A.B. NO. 29 ISSUED BY
ALLEGHENY AIRLINES, INC.

The provisions of Supplement No. 2 insofar as it proposes to cancel rates, charges, and provisions held in effect as a result of the suspension herein.

[FR Doc.74-18809 Filed 8-14-74; 8:45 am]

[Docket No. 26466; Order 74-8-45]

HUGHES AIR CORP. AND HUGHES
AIRWEST

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of August 1974.

Hughes Air Corp. d/b/a Hughes Airwest requests that the Board disclaim jurisdiction, exempt or approve, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), the sale by it to TAM International Transports, S.A. (TAM) of six Fairchild F27A aircraft for \$1,950,000.¹

In support of its request, Hughes Airwest states that the transaction will enable it to dispose of F27 aircraft at a time when they have become surplus because of service reductions resulting from the energy shortage; that the transaction was entered into after arm's length bargaining; that the transaction does not adversely affect Hughes Airwest's finances or its ability to perform its certificated service responsibilities and that it does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, create a monopoly and thereby tend to restrain competition, or jeopardize another air carrier. Furthermore, Hughes Airwest asserts that the six air-

¹ TAM is a French corporation with its main office in Paris.

APPENDIX A

TARIFF C.A.B. NO. 169 ISSUED BY AIRLINE TARIFF
PUBLISHERS, INC., AGENT

The rates, subject to the minimum weight of 500 pounds, between the point(s) shown in Column 1 and the point(s) shown opposite thereto in Column 2, on pages listed in Column 3:

craft do not represent a substantial part of its properties since they constitute only 15.3 percent of its total aircraft, 1.88 percent of the market value of all its aircraft, and 3.54 percent of its available seat-miles. Hughes Airwest is in the midst of a program to modernize its aircraft fleet by replacing its F27 aircraft with DC-9's.

No comments relative to the application have been received.

The decision of Hughes Airwest to dispose of its propeller aircraft and rely exclusively on an all-jet fleet consisting of DC-9 series 10 and 30 aircraft is a matter of deep concern to the Board. Specifically, the Board is concerned whether, and to what degree, Hughes Airwest will be able to discharge its certificate obligation to serve those small community airports which are not technically able to accommodate jet aircraft operations (or which require severe payload penalties), or which generate insufficient revenue traffic to permit economic operations. Of equal concern to the Board is whether the use of jet aircraft at small communities generating marginal traffic is consistent with the statutory requirement that subsidized operations be conducted under the standard of "honest, economical, and efficient management" pursuant to section 406 of the Act.

The Board emphasizes that the lack of propjet equipment will not relieve Airwest of its responsibility to meet all of its certificate obligations. Moreover, we expect that Airwest will utilize propjet aircraft where appropriate to economically and efficiently discharge such certificate obligations at each low-density traffic point that it serves, or submit to the Board a suspension and substitution application contemplating replacement service by a commuter carrier acceptable to the community concerned. In this connection, the failure of Airwest to use

propjet aircraft where relatively low traffic levels warrant the use of such aircraft will be taken into account in assessing overall subsidy need; and the Board will not view with favor claims by Airwest in suspension and deletion cases, or in route cases where Airwest raises a carrier strengthening argument, of high costs at such points where those costs result, at least in part, from the use of jet equipment.² Nor will the Board view with favor the argument that Airwest's service should be terminated because an airport will not accommodate jet equipment. Finally, the Board's staff is hereby instructed to closely monitor Hughes Airwest's small-community service. We expect the carrier to be responsive to any suggestions in order that adequacy proceedings may be avoided.

The transaction herein is similar to others involving the sale or lease of aircraft by air carriers to persons engaged in a phase of aeronautics which have been previously approved.³ Under these circumstances, and subject to the reservations expressed in the preceding paragraph, the transaction does not appear inconsistent with the public interest,⁴ nor are the requirements of section 408 otherwise unfulfilled. Upon consideration of the pleadings it is concluded that Hughes Airwest is an air carrier and that TAM is a person engaged in a phase of aeronautics both within the meaning of section 408 of the Act and that the transaction is subject to section 408(a)(2) thereof. However, the Board tentatively finds that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby tend to restrain competition, nor does it jeopardize another air carrier. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing.

In accordance with section 408(b) of the Act, this order constituting notice of the Board's tentative findings will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, that:

1. The subject sale by Hughes Air Corp. of six Fairchild F27A aircraft to TAM be and it hereby is tentatively approved;

² We contemplate that this same viewpoint will be applicable to questions arising under § 399.60(b)(6)(1) of the Board's Policy Statements (i.e., the extent to which a proposal might reduce subsidy or increase economy of operations for purposes of determining priority for hearing).

³ Order 73-12-96, December 26, 1973, Docket 28144.

⁴ In this regard we rely on the affirmations of Hughes Airwest that these aircraft are surplus to the service requirements of its certificate (see Order 73-12-117, December 28, 1973 and Order 74-1-160, January 31, 1974).

2. Interested persons are hereby afforded a period of twenty (20) days from the date of service of this order within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 26466; and

3. The Attorney General of the United States shall be furnished a copy of this order within one day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-18810 Filed 8-14-74; 8:45 am]

[Docket Nos. 25513, 25661; Order 74-8-42]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Issued under delegated authority August 9, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above designated C.A.B. agreement number.

This agreement would increase all fares to/from the Seychelles Islands by \$1.80 to recoup a new Passenger Service Fee recently instituted by the Seychelles Authorities payable directly by the airlines.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolution, which is incorporated in Agreement C.A.B. 24566, is adverse to the public interest or in violation of the Act:

200 (Mail 217) 003L JT23 (Mail 346) 003L
JT12 (Mail 852) 003L JT123 (Mail 740) 003L

Accordingly, it is ordered, that:

Agreement C.A.B. 24566 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-18808 Filed 8-14-74; 8:45 am]

[Docket No. 26494; Agreement C.A.B. 24485, R-1 through R-3, Agreement C.A.B. 24522, R-1 through R-3; Order 74-7-141]

INCREASED FUEL COSTS

Adopted Agreement

Correction

In FR Doc. 74-17769 appearing at page 28178 in the issue of Monday, August 5, 1974, make the following change.

In footnote 1 in the first column of the page, change the last line to read "an elasticity factor of -0.30."

ENVIRONMENTAL PROTECTION AGENCY

[FRL 251-6]

AMCHEM PRODUCTS, INC.

Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(h)(5), 68 Stat. 512; 72 Stat. 1786, (21 U.S.C. 346a(d)(1)), 348(b)(5)), notice is given that a pesticide petition (PP 5F1524) has been filed by Amchem Products, Inc., Brookside Avenue, Ambler, PA 19002, proposing establishment of tolerances (40 CFR Part 180) for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodities blackberries and peppers at 30 parts per million; blueberries at 20 parts per million; grapes and lemons at 5 parts per million; and tangerines at 2 parts per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 5H5056) proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the plant regulator in or on raisins at 10 parts per million resulting from application of the plant regulator to growing grapes.

The analytical method proposed in the pesticide petition for determining residues of the plant regulator is a procedure in which the residues are esterified with diazomethane and then analyzed by gas chromatography using an alkali thermionic detector or a flame photometric detector in the phosphorus mode.

Dated: August 8, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc. 74-18713 Filed 8-14-74; 8:45 am]

[FRL 251-8]

AMERICAN CYANAMID CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 5F1531) has been filed by American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, proposing establishment of a

tolerance for combined residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl)phosphorodithioate) and its oxygen analog *O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl)phosphorothioate in or on the raw agricultural commodity celery at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric or a thermionic detector.

Dated: August 8, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.74-18711 Filed 8-14-74; 8:45 am]

[FRL 252-1]

BASF WYANDOTTE CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; (21 U.S.C. 346a(d) (1))), notice is given that a petition (PP 5F1529) has been filed by BASF Wyandotte Corp., 100 Cherry Hill Road, Post Office Box 181, Parsippany, N.J. 07054, proposing establishment of tolerances for combined negligible residues of the herbicide bentazon (3-isopropyl-1*H*-2,1,3-benzothiadiazin-4(3*H*)-one 2,2-dioxide) and its hydroxylated metabolites in or on the raw agricultural commodities eggs; meat, fat, and meat by-products of cattle, goats, hogs, horses, poultry, and sheep; and soybeans at 0.05 part per million and in milk at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the herbicide involves methylation of the residue with diazomethane to form the methyl derivatives of the parent and its 6-8-hydroxy metabolites, which are determined by gas-liquid chromatographic procedure using a sulfur-specific flame photometric detector with a 394 nanometer filter.

Dated: August 8, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.74-18710 Filed 8-14-74; 8:45 am]

[FRL 251-7]

CLOVERLAND PRODUCTS

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; (21 U.S.C. 346a(d) (1))), notice is given that a petition (PP 5F1526) has been filed by Cloverland Products, Route 1, Pearl City, IL 61062, proposing establishment of an exemption from the requirement of a tolerance (40 CFR Part 180) for residues of butyric acid from use of the insecticide butyric anhydride in honey.

The analytical method proposed in the petition for determining residues of butyric acid is a gas chromatographic procedure utilizing an argon ionization detector.

Dated: August 8, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.74-18712 Filed 8-14-74; 8:45 am]

[FRL 250-6]

COMMONWEALTH OF PUERTO RICO AIR IMPLEMENTATION PLAN

Withdrawal of Plan Revision Request

On February 28, 1974, the Governor of the Commonwealth of Puerto Rico submitted a request to revise portions of the Puerto Rico Implementation Plan to take into account certain revisions to Article 6 of the regulation for control of atmospheric pollution, pertaining to the maximum allowable sulfur content of fuels used in Puerto Rico. On March 29, 1974, the Executive Director of the Puerto Rico Environmental Quality Board (EQB) submitted to EPA Administrative Bulletin Number 2007 which officially adopted and made effective the proposed revision to Article 6.

EPA, on April 30, 1974 (39 FR 15051), published a FEDERAL REGISTER notice which announced receipt of the proposed revision to Article 6 and set forth a 30-day period for submission of public comments. In addition, on June 24 and July 2, 1974 the Executive Director of EQB submitted portions of a proposed control strategy analysis for the area of San Juan Guayanilla, and Aguirre.

The Commonwealth of Puerto Rico, on July 30, 1974, has since notified the Administrator of its withdrawal of the revision to Article 6 from EPA consideration. It is the intention of EQB to amend both the regulation and the technical analysis and to resubmit this package to EPA after the proper public notice and public hearing requirements are satisfied. Article 6, which is currently an approved part of the Puerto Rico Air Implementation plan, sets forth a maximum sulfur content for fuels of 1.5 percent.

Dated: August 9, 1974.

ROGER STRELOW,
Acting Assistant Administrator
for Air and Waste Management.

[FR Doc.74-18715 Filed 8-14-74; 8:45 am]

[FRL 251-4]

ELANCO PRODUCTS CO.

Establishment of Temporary Tolerance

Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206, submitted a petition (PP 4G1501) requesting establishment of a temporary tolerance for negligible residues of the herbicide trifluralin (α,α,α -trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity asparagus at 0.05 part per million.

It has been determined that a temporary tolerance of 0.05 part per million for negligible residues of the herbicide in or on asparagus will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently under the Elanco Products Co. name.

This temporary tolerance expires August 9, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: August 9, 1974.

HENRY J. KOPF,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.74-18709 Filed 8-14-74; 8:45 am]

[FRL 251-5]

ROHM AND HAAS CO.

Establishment of Temporary Tolerances

Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, submitted a petition (PP 4G1426) requesting establishment of temporary tolerances for combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide) in or on the raw agricultural commodities almond hulls, almonds, apples, apricots, blueberries, cherries, grapes, nectarines, peaches, pears, pistachios, plums, prunes, and walnuts at 0.1 part per million.

Subsequently, the petitioner amended the petition by decreasing the proposed temporary tolerances for combined residues of 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide in or on the above raw agricultural commodities from 0.1 part per million to 0.05 part per million.

It has been determined that temporary tolerances of 0.05 part per million for residues of the herbicide and its metabolites in or on the above raw agricultural commodities will protect the public health. These temporary tolerances are therefore established as requested on condition that the pesticide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Rohm and Haas Co. name.

These temporary tolerances expire August 9, 1975. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the

term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: August 9, 1974.

HENRY J. KOPF,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 74-18714 Filed 8-14-74; 8:45 am]

[FRL 223-5]

ECOLOGY ADVISORY COMMITTEE Establishment Certification

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that establishment of the Ecology Advisory Committee as an entity of the Science Advisory Board is in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law.

The Ecology Advisory Committee will provide to the Administrator and to the Agency, expert and independent advice on issues relating to the scientific and technical problems associated with ecological studies of pollution in the environment, including movement of materials and specific effects on biological systems, and the technical programs and priorities among them required to resolve these problems.

Copies of the committee charter will be filed with appropriate standing committees of the Congress fifteen days from the date of this notice.

JOHN QUARLES,
Acting Administrator.

AUGUST 9, 1974.

[FR Doc. 74-18757 Filed 8-14-74; 8:45 am]

[OPP-86008; FRL 245-8]

MIREX

Determination and Order Relating to Use on Pineapple in Hawaii

By letter dated June 19, 1974, the Pineapple Growers Association of Hawaii have requested permission of the Environmental Protection Agency (EPA) to aerially apply Mirex to the pineapple fields of Hawaii during the months of August through November 1974.

Background. Under authority granted by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 135 et seq.), the Administrator of the EPA by Order dated May 3, 1972, prohibited the aerial application of pesticides containing Mirex in coastal counties or parishes and on or near rivers, streams, lakes, ponds and other aquatic areas (37 FR 10987, published June 1, 1972). On June 30, 1972, the Administrator issued a determination and order (37 FR 13299, published July 6, 1972) granting a stay of his May 3 prohibi-

tion with respect to aerial spraying of Hawaiian pineapple fields in the Fall of 1972 to control mealybug wilt, conditioned upon the implementation of a monitoring program approved by EPA.

By Order dated May 25, 1973 (38 FR 15476, published June 12, 1973), the Administrator granted an extension of the stay of the May 3 Order, conditioned upon the continuation of the monitoring program. Finally, a determination and order was issued on August 31, 1973 (38 FR 23988, published September 5, 1973) which modified the required monitoring program in order to determine whether greater sampling of terrestrial biota would indicate occurrence of any residues in inland species, as well as marine biota.

In the Order of August 31, 1973, cited above, it was stated that approval for further aerial spraying in Hawaii would be granted only if warranted by the results of monitoring done in coming months and by the record adduced at the public hearings on Mirex registrations. The results of the monitoring conducted pursuant to that order were submitted to EPA by the University of Hawaii and were introduced in the hearing held in Honolulu on June 24, 1974. I believe that these results and those previously obtained in this monitoring program are sufficient to give a reliable indication of levels and trends arising from the use of Mirex in Hawaii.

Conclusion. It is hereby ordered that the aerial application of Mirex to the pineapple fields in Hawaii may continue in accordance with registered labeling; furthermore, I see no need to require the continuation of a monitoring program designed specifically to measure residues and other effects arising from such use. This order will remain in effect pending the outcome of the current public hearing concerning the registration of Mirex or until this Agency receives information that would require further regulatory action.

Dated: August 9, 1974.

JOHN QUARLES,
Deputy Administrator.

[FR Doc. 74-18756 Filed 8-14-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 713]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

AUGUST 12, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an appli-

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulation and other requirements.

² The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

cation, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20176-CD-P-75, Gulf Central Communications & Electronics, Inc. (KKO352). C.P. to change antenna system and location at Loc. #2: 1.8 miles East of Maxie, Louisiana, to operate on 454.100 MHz.

20177-CD-P-(3)-75, Nashville Mobilphone, Inc. (KIY750). C.P. for additional facilities at Loc. #3: First National Corporation Bldg., 4th Avenue N & Union Street, Nashville, Tennessee to operate on 454.200, 454.225 and 454.350 MHz.

20178-CD-P-(3)-75, Nashville Mobilphone, Inc. (KFL864). C.P. for additional facilities at Loc. #1: Short Mtn., 23.4 miles East of Murfreesboro, Tennessee, to be operated on 454.100 MHz.

20179-CD-P-(2)-75, National Communications System, Inc. (KMM703). C.P. to add repeater facilities at Loc. #1: Upper Heavenly Valley Lodge, 2 miles SE. of South Lake Tahoe, California, to operate on 454.350 MHz. (Repeater).

(20180-CD-P-75), General Communications Service, Inc. (KSV965). C.P. to add facilities at Loc. #5: Rock Bridge Road and I 85, Chamblee, Georgia, to operate on 35.22 MHz (1-way-signaling).

20181-CD-P-75, Breda Telephone Corporation (new), C.P. for a new 2-way station to operate on 152.72 MHz to be located at Corner of First & Main Streets, near Lidderdale, Iowa.

20182-CD-P-75, West Iowa Telephone Association (new), C.P. for a new 2-way station to be operated on 152.63 MHz located 1/2 mile west and 1 mile south of Lawton, Iowa.

20183-CD-P-(4)-75, Hawaiian Telephone Company (KUA216), C.P. to change antenna system and to add frequency at Loc. #1: 2.9 miles NE. of Honolulu, Mt. Tantalus, Honolulu, Hawaii; and at Loc. #7: 8 mile South of Hawaii Kai P.O.; Koko Head, Honolulu, Hawaii, to operate on 152.75 MHz and 152.78 MHz at Locs. #1 & 7.

20184-CD-P-(4)-75, Michigan Bell Telephone Company (KRS714), C.P. to add new loc. #6: 17045 Mack Avenue, Detroit, Michigan, to operate on 158.10 MHz. Renewal of Air Ground Licenses expiring September 1, 1974. TERM: 9/1/74 thru 9/1/75.

20185-CD-R-75, New England Tel. & Tel. Co., KCC793.

20186-CD-R-75, The Ohio Bell Tel. Co., KQD 612.

20187-CD-R-75, Arlington Tel. Co., KRS708.

Major Amendments

8162-C2-P-73, Airsignal International, Inc. (KSV991), Minneapolis, Minnesota. Amend to change antenna system and antenna location to read Shelard Office Tower, 600 South Country Road 18. All other particulars of operation remain as reported in Public Notice #648, dated May 14, 1973.

20036-C2-P-74, Central Mobile Radio Phone Service, Columbus, Ohio (new). Amend base frequency 43.22 MHz to read 35.22 MHz. All other particulars are to remain the same as reported on Public Notice #658, dated July 23, 1973.

21071-C2-P-74, R. Harvey Squires d/b/a Rockfish Radio Telephone Service (new). Amend to change base frequency to 152.09 MHz. All other particulars remain as reported on Public Notice #693, dated March 25, 1974.

Informative

Applicants filing FCC Form 401 for Base, Auxiliary Test and Fixed Stations and proposing to operate in the Domestic Public Land Mobile and Rural Radio Services are reminded that applications should be complete when filed. Failure to do so can result in a rejection and return of the application or a delay in the processing of the application. Applications failing to contain sufficient information for processing will be affected by this procedure.

Refer to General Information and Instructions attached to all FCC Form 401's for details.

POINT-TO-POINT MICROWAVE RADIO SERVICE

265-CF-P-75, Southern Bell Telephone & Telegraph Company (KJ388), Card Sound Road, Approx. 9.5 Miles SE. of Florida City, Florida. Lat. 25°19'31" N., Long. 80°24'16" W. C.P. to add 3910H, 3990H, & 4150H MHz toward a new point of communication at Largo Sound, Fla. on azimuth 182°59'.

266-CF-P-75, Same (New), On U.S. Hwy. #1, 0.7 Mile West of Largo Sound, Florida. Lat. 25°07'19" N., Long. 80°24'58" W. C.P. for a new station on 3730V, 3810V, and 4130V MHz toward Florida City, Fla., on azimuth 2°59'; 3870V & 3950V MHz toward Upper Matecumbe Key, Fla., on azimuth 224°17'.

267-CF-P-75, Same (KIQ77), Upper Matecumbe Key, 0.4 Mile SE. of Islamorada, Florida. Lat. 24°54'25" N., Long. 80°38'45" W. C.P. to add new point of communication at Largo Sound, Fla., on azimuth 44°11' for freqs. 3770V & 3850V MHz.

269-CF-P-75, Southern Bell Telephone and Telegraph Company (KIA47), 121 West Morgan Street, Raleigh, North Carolina. Lat. 35°46'44" N., Long. 78°38'30" W. C.P. to replace transmitter on 6256.5V MHz toward New Hope, N.C., on azimuth 47°53'.

270-CF-P-75, Bell Telephone Company of Pennsylvania (KYJ38), 210 Pine Street, Harrisburg, Pennsylvania. Lat. 40°15'44" N., Long. 76°53'07" W. C.P. to add 11,645H MHz toward Ramsey Hill, Pa., on azimuth 181°14'.

271-CF-P-75, Same (KYS58), Ramsey Hill, 2.6 Miles SW. of Lewisberry, Pennsylvania. Lat. 40°06'12" N., Long. 76°53'23" W. C.P. to add 11,135H MHz toward Harrisburg, Pa. on azimuth 01°14'; 6019.3V MHz toward Concordia Church, Pa., on azimuth 99°26'.

272-CF-P-75, Same (WDE64), Hilltop, 0.38 Mile SW. of Concordia Church, Pennsylvania. Lat. 40°02'49" N., Long. 76°27'16" W. C.P. to add 6241.7V MHz toward Ramsey Hill, Pa., on azimuth 279°43'; 11,585V MHz toward Lancaster, Pa., via Passive Reflector.

273-CF-P-75, Same (WDE65), 126 N. Duke Street, Lancaster, Pennsylvania. Lat. 40°02'26" N., Long. 76°18'17" W. C.P. to add 11,175V MHz toward Concordia Church, Pa., via Passive Reflector.

274-CF-P/L-75, General Telephone Company of Indiana, Inc. (KSH87). Temporary fixed location within the territory of the grantee. C.P. & License to add 2110-2130, 2160-2180, 3700-4200, 5925-6425, 10,700-11,700 and 13,200-13,250 MHz.

275-CF-P-75, Southern Bell Telephone & Telegraph Company (KJG67), 115 NE. Third Avenue, Fort Lauderdale, Florida. Lat. 26°07'25" N., Long. 80°08'28" W. C.P. to replace transmitter, change power & change 6278.8, 6397.4, 10,755, & 10,915 MHz to 5974.8H & 6093.5H MHz toward Margate, Fla., on azimuth 337°31'.

276-CF-P-75, Southern Bell Telephone & Telegraph Company (KJW98), Margate, 0.5 Mile NE. of Hammondville, Florida. Lat. 26°14'56" N., Long. 80°11'55" W. C.P. to replace transmitter, change power, alarm center location & change 6026.7V, 6145.3V, 11,365V, & 11,685V MHz to 6226.9H & 6345.5H MHz toward Ft. Lauderdale, Fla., on azimuth 157°29'; change 6249.1V, 6367.7V, 11,405V, & 11,565V MHz to 6226.9H & 6345.5H MHz toward Boynton Beach, Fla., on azimuth 14°15'.

277-CF-P-75, Same (KJW99), 4 Miles WSW. of Boynton Beach, Florida. Lat. 26°30'45" N., Long. 80°07'27" W. C.P. to replace transmitter, change power, alarm center location & change 5997.1V, 6115.7V, 10,955V, & 11,115V MHz to 5974.8V & 6093.5V MHz toward Margate, Fla., on azimuth 194°17'; change point of communication & change 6011.9V, 6130.5V, 10,755V, 10,915V, & 11,155H MHz to 5974.8H & 6093.5H MHz toward West Palm Beach, Fla., on azimuth 17°58'.

278-CF-P-75, Same (WDD43), 325 Gardenia Street, West Palm Beach, Florida. Lat. 26°42'34" N., Long. 80°03'11" W. C.P. to replace transmitter, & change 6264.0, 6382.6, 11,365, & 11,685 MHz to 6226.9V & 6345.5V MHz toward Boynton Beach, Fla., on azimuth 197°60'.

279-CF-P-75, Southwestern Bell Telephone Company (new), 3.2 Miles NW. of Mereta, Texas. Lat. 31°29'22" N., Long. 100°10'31" W. C.P. for a new station on 4050H MHz toward San Angelo, Tex., on azimuth 262°12'.

280-CF-P-75, Same (KKA47), 323 South Chadbourne Street, San Angelo, Texas. Lat. 31°27'13" N., Long. 100°26'09" W. C.P. to add 3770H MHz toward a new point of communication at Mereta, Tex., on azimuth 82°04'.

281-CF-P-75, Same (KL081), 209-11 East Fourth Street, Sweetwater, Texas. Lat. 32°28'23" N., Long. 100°24'29" W. C.P. to add 4110V MHz toward Pyron, Tex., on azimuth 305°30'.

282-CF-AP-(7)-75, KHC Microwave Corporation. Consent to Assignment of Permit from KHC Microwave Corporation, Assignor to United Video, Inc., Assignee for Stations: WDD97—Labelle, Tex.; WDE80—Port Neches, Tex.; WDE81—Cameron Farms, La.; WIV68—Lake Charles, La.; WPE94—Lacassine, La.; WIV66—Jennings, La., and WIV71—Crowley, La.

288-CF-ML-75, American Telephone & Telegraph Company (KIM53), Pine Castle, Florida. Mod. of License to change polarity to 3730V, 3790H, 3810V, 3870H, 3890V, 3970V, 4030H, 4050V, 4110H, & 4130V MHz toward Orlando, Fla.

289-CF-ML-75, Same (KIM21), Orlando, Florida. Mod. of License to change polarity to 3750H, 3770V, 3830H, 3850V, 3910H, 3930V, 3990H, 4010V, 4070H, 4090V, 4150H, & 4170V MHz toward Pine Castle, Fla.

290-CF-ML-75, American Telephone & Telegraph Company (KIK95), Palmetto, Georgia. Mod. of License to change polarity to 3710H, 3790H, 3870H, 3950H, 4030H, & 4110H MHz toward Lovejoy, Ga.; change polarity to 3710H MHz toward Atlanta, Ga.

291-CF-ML-75, Same (KIK65), Lovejoy, Georgia. Mod. of License to change polarity to 3750H, 3830H, 3910H, 3990H, 4070H, & 4150H MHz toward Palmetto, Ga.

292-CF-P-75, Microwave Communications, Inc. (WAX64), 875 N. Michigan Avenue, Chicago, Illinois. Lat. 41°53'56" N., Long. 87°37'26" W. C.P. to change 6241.7V & 6360.3V MHz to 6256.5H & 6375.2H MHz toward Downers Grove, Ill., on azimuth 245°49'.

293-CF-P-75, Same (WAX65), 501 63rd Street, Downers Grove, Illinois. Lat. 41°46'22" N., Long. 87°59'50" W. C.P. to change 6019.3V & 6137.9V MHz to 6004.5H & 6123.1H MHz toward Chicago, Ill., on azimuth 65°34'.

294-CF-P-75, Same (WGH97), 2.75 Miles SSE. of Waynesville, Illinois. Lat. 40°12'00" N., Long. 89°06'39" W. C.P. to change point of communication to Elkhart, Ill., on azimuth 229°35' for freq. 6019.3H MHz.

295-CF-P-75, Same (WAX70), 4.2 Miles ESE. of Elkhart, Illinois. Lat. 40°00'25" N., Long. 89°24'15" W. C.P. to change antenna location on 6271.4H MHz toward Waynesville, Ill., on azimuth 49°13'; 6212.0H, 6330.7H MHz toward Rochester, Ill., on azimuth 201°02'.

296-CF-P-75, Same (WAX71), 228 East Main Street, Rochester, Illinois. Lat. 39°44'53" N., Long. 89°31'58" W. C.P. to change point of communication to Elkhart, Ill., on azimuth 20°52' for freqs. 5960.0H & 6078.6H MHz.

297-CF-P/L-75, United Telephone Company of the Carolinas, Inc. (new). Temporary fixed location within the territory of the grantee. C.P. & License for a new station on freqs. 5925-6425 MHz.

298-CF-P-75, Gulf States—United Telephone Company (new), 0.7 Mile SE. of Ireland, Texas. Lat. 31°33'44" N., Long. 97°57'49" W. C.P. for a new station on 11,035V&H MHz toward Hamilton, Tex., on azimuth 324°39'; 11,035V&H MHz toward Gatesville, Tex., on azimuth 123°50'.

299-CF-P-75, Same (new), 1.9 Miles North of Hamilton, Texas. Lat. 31°45'11" N., Long. 98°07'03" W. C.P. for a new station on 11,485V&H & 11,325H MHz toward Hico, Tex., on azimuth 11°13'; 11,485V&H MHz toward Ireland, Tex., on azimuth 144°35'.

- 300-CF-P-75, Gulf States—United Telephone Company (new), Corner of South Park & Leon Sts., Gatesville, Texas. Lat. 31°26'01" N., Long. 97°44'25" W. C.P. for a new station on 11,485V&H MHz toward Ireland, Tex., on azimuth 303°20'.
- 301-CF-P-75, Same (new), 2.1 Miles NW. of Hico, Texas. Lat. 32°00'28" N., Long. 98°03'29" W. C.P. for a new station on 11,035 V&H, 10,875H MHz toward Stephenville, Tex., on azimuth 326°51'; 11,035V&H 10,875H MHz toward Hamilton, Tex., on azimuth 191°17'.
- 302-CF-P-75, Same (new), West Mulberry & North Lillian Sts., Stephenville, Texas. Lat. 32°13'14" N., Long. 98°13'18" W. C.P. for a new station on 11,325H and 11,485V&H MHz toward Hico, Tex., on azimuth 146°45'.
- 303-CF-P-75, Microwave Transmission Corporation (new), Monument Peak, 4.5 Miles NNE. of Milpitas, California. Lat. 37°29'07" N., Long. 121°51'57" W. C.P. for a new station on 11,625V MHz toward Bald Ridge, Calif., on azimuth 164°56'.
- 304-CF-P-75, Same (new), Bald Ridge, 5 Miles NE. of Watsonville, California. Lat. 36°58'00" N., Long. 121°41'31" W. C.P. for a new station on 11,175V MHz toward Watsonville, Calif., on azimuth 234°46'; 11,175V MHz toward Capitola, Calif., on azimuth 274°38'.
- 305-CF-P-75, Bell Telephone Company of Nevada (KPR96), McClellan Peak, 3 Miles West of Silver City, Nevada. Lat. 39°15'35" N., Long. 119°41'53" W. C.P. to replace transmitters and change power on 2170V MHz toward Churchill Butte, Nev., on azimuth 75°48'.
- 306-CF-P-75, Same (KPR97), Churchill Butte, near Silver Springs, Nevada. Lat. 39°20'17" N., Long. 119°17'45" W. C.P. to increase emission, change power and replace transmitters on 2119.5V MHz toward McClellan Peak, Nev., on azimuth 255°52'; 2126.5V MHz toward Yerington, Nev., on azimuth 163°33'.
- 307-CF-P-75, Same (KPR98), 19 Van Ness Street, Yerington, Nevada. Lat. 38°59'13" N., Long. 119°09'47" W. C.P. increase emission, replace transmitters and change power on 2177.0V MHz toward Churchill Butte, Nev., on azimuth 343°41'.
- 223-CF-P-75, Mid-Kansas, Inc. (new), Kansas City, Missouri. Lat. 39°04'20" N., Long. 94°35'45" W. C.P. for a new station on 6197.2V MHz toward Olathe, Kans., on azimuth 225°52'.
- 225-CF-P-75, Mid-Kansas, Inc. (new), 1.0 Mile NE. of Olathe, Kansas. Lat. 38°55'12" N., Long. 94°47'47" W. C.P. for a new station on 6034.2V MHz toward Lawrence, Kans., on azimuth 279°36'.
- 224-CF-P-75, Same (new), 5.0 Miles West of Lawrence, Kansas. Lat. 38°59'47" N., Long. 95°23'11" W. C.P. for a new station on 6256.5H MHz toward St. Mary's and Otawa, Kans., on azimuth 293°15' and 166°25'; and 6256.5V MHz toward Lawrence, Kans., on azimuth 106°06'.
- 310-CF-P-75, CPI Microwave, Inc. (new), Corner of Guadalupe and 26th Street, KLRN-TV, Austin, Texas. Lat. 30°17'20" N., Long. 97°44'27" W. C.P. for a new station on 10,995V MHz toward Austin (Dobie), Tex., on azimuth 182°19'.
- 311-CF-P-75, Same (WPE49), Corner of Guadalupe, 21st Street and Whitis Ave., Austin (Dobie), Texas. Lat. 30°16'59" N., Long. 97°44'28" W. C.P. to add 6019.3H MHz toward Driftwood, Tex., on azimuth 233°41'.
- 312-CF-P-75, Same (WPE45), 4.2 Miles SE. of Driftwood, Texas. Lat. 30°04'07" N., Long. 98°04'39" W. C.P. to add 6271.4H MHz toward New Braunfels, Tex., on azimuth 205°32'.

- 313-CF-P-75, Same (WPE46), 8.5 Miles West of New Braunfels, Texas. Lat. 29°46'04" N., Long. 98°14'35" W. C.P. to add 6019.3H MHz toward San Antonio, Tex., on azimuth 214°03'.
- 314-CF-P-75, Same (WPE48), Corner of Hilderbrand and Devine, San Antonio, Texas. Lat. 29°27'54" N., Long. 98°28'41" W. C.P. to add 6330.7H MHz and change polarity from H to V on 6360.3 MHz toward Floresville, Tex., on azimuth 151°36'.
- 315-CF-P-75, Same (WQP49), 6.0 Miles SW. of Floresville, Texas. Lat. 29°04'38" N., Long. 98°14'18" W. C.P. to add 6019.3V MHz toward Pawnee, Tex., on azimuth 151°08'.
- 316-CF-P-75, Same (WQP50), 6.4 Miles North of Pawnee, Texas. Lat. 28°44'29" N., Long. 98°01'38" W. C.P. to add 6271.4H MHz toward Beeville, Tex., on azimuth 163°23'.
- 317-CF-P-75, Same (WQP51), 10.6 Miles West of Beeville, Texas. Lat. 28°26'54" N., Long. 97°55'40" W. C.P. to add 6137.9H MHz toward Mathis, Tex., on azimuth 160°44'.
- 318-CF-P-75, Same (WQP52), 4.3 Miles SE. of Mathis, Texas. Lat. 28°03'07" N., Long. 97°46'15" W. C.P. to add 6390.0V MHz toward Violet, Tex., on azimuth 148°10'.
- 319-CF-P-75, CPI Microwave, Inc. (WQP53), Violet, 5.0 Miles East of Robstown, Texas. Lat. 27°46'30" N., Long. 97°34'36" W. C.P. to add 11,035V MHz toward a new point of communication at KEDT-TV, Tex. on azimuth 109°40'.

Major amendments

- 4646-CI-P-72, Microwave Service Company of Florida (new), 1.9 Miles NE. of Wilmer, Louisiana. Lat. 30°49'35" N., Long. 90°20'06" W. C.P. for a new station on 6197.2V MHz toward McComb, Miss., on azimuth 347°58'.
- 4647-CI-P-72, Same (new), McComb, Mississippi. Lat. 31°14'59" N., Long. 90°26'24" W. C.P. for a new station on 6167.6H MHz toward Brookhaven, Miss., on azimuth 358°44'.
- 4648-CI-P-72, Same (new), Brookhaven, Mississippi. Lat. 31°33'42" N., Long. 90°26'53" W. C.P. for a new station on 6197.2H MHz toward Crystal Springs, Miss., on azimuth 01°18'.
- 4649-CI-P-72, Same (new), 5.0 Miles West of Crystal Springs, Mississippi. Lat. 31°59'10" N., Long. 90°26'12" W. C.P. for a new station on 6226.9H MHz toward Jackson, Miss., on azimuth 31°52'. (Note: In order to resolve the apparent mutual exclusivity of certain pending applications, Microwave Service Company of Florida (MSCF), thru an agreement with American Television & Communications Corporation (ATC) proposes to adopt the above erstwhile ATC applications (4646 thru 4649-CI-P-72).)

[FR Doc.74-18767 Filed 8-14-74; 8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, CONTAINER LIFT INTERNATIONAL AND HIBERNIA NATIONAL BANK IN NEW ORLEANS

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW.,

Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 26, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Cyrus C. Guidry, Port Counsel
Board of Commissioners of the Port of
New Orleans
P.O. Box 60046
New Orleans, Louisiana 70160

Agreement No. T-2728-1, among the Board of Commissioners of the Port of New Orleans (Port), Container Lift International, Inc. (CLI), and Hibernia National Bank in New Orleans (Hibernia), modifies the parties' basic agreement, which is a permit under which CLI will install, maintain and operate at its own cost, a container crane at Berth No. 5 of the Port's France Road Terminal. The purpose of the modification is to provide for an increase in the amount of a loan and for a one year moratorium on payments of principal on the loan which CLI obtained from Hibernia to finance the acquisition and installation of a container crane.

By Order of the Federal Maritime Commission

Dated: August 12, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-18776 Filed 8-14-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI67-98, etc.]

CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS

Notice of Applications¹

AUGUST 7, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI67-98 C 7-29-74	Amoco Production Co., P.O. Box 50579, New Orleans, La. 70150.	United Gas Pipe Line Co., Bastian Bay Field, Southeast Flank, Plaquemines Parish, La.	53.238	15.025
CI73-175 C 7-19-74	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	50.85	14.73
CI74-22 C 7-29-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Eugene Island Block 314 Field, offshore Louisiana.	50.0	15.025
CI74-512 A 7-29-74	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	Natural Gas Pipeline Co. of America, Block 176-S Field, Galveston Area, offshore Texas.	46.25	14.65
CI74-528 C 7-29-74	Exxon Corp.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	51.39	14.65
CI75-6 (CI69-468) F 7-25-74	Colorado Oil & Gas Corp. (successor to Texas Crude Oil Inc. (Operator) et al.), 5 Greenway Plaza East, Houston, Tex. 77046.	Southern Natural Gas Co., Stuard's Bluff Field and Chandelour Sound Block 73 Area, St. Bernard Parish, La.	25.775	15.025
CI75-41 A 7-25-74	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., Antelope Ridge Field, Lea County, N. Mex.	45.77	14.73
CI75-42 A 7-25-74	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Co., Powder River Basin, Campbell County, Wyo.	44.0	14.73
CI75-43 A 7-29-74	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	El Paso Natural Gas Co., acreage in Hemphill County, Tex.	50.577	14.73
CI75-44 A 7-29-74	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Cities Service Gas Co., Panama Field, Seward and Stevens Counties, Kans.	51.25	14.65
CI75-46 A 7-26-74	J. M. Huber Corp., 2000 West Loop, Houston, Tex. 77027.	El Paso Natural Gas Co., Washington Ranch Field, Eddy County, N. Mex.	46.7625	14.73
CI75-47 (CI67-81) B 7-29-74	Appalachian Exploration & Development, Inc., Charleston National Plaza, Charleston, W. Va. 25301.	Consolidated Gas Supply Corp., Sandy River District, McDowell County, W. Va.	(1)	
CI75-48 A 7-29-74	CNG Producing Co., 445 West Main St., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Chondrant Field, Lincoln Parish, La.	50.86	14.73
CI75-49 A 7-29-74	do	Consolidated Gas Supply Corp., Block 118 Field, East Cameron Area, offshore Louisiana.	45.0	15.025
CI75-50 A 7-29-74	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Northern Natural Gas Co., Sawyer (Canyon) Field, Sutton County, Tex.	52.3	14.73
CI75-51 (CS72-713) F 7-26-74	American Petrofina Co. of Texas (successor to Duer Wagner & Co.), P.O. Box 2159, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Donna Field, Hidalgo County, Tex.	24.0	14.65
CI75-52 A 7-30-74	Philadelphia Oil Co., 420 Boulevard of the Allies, Pittsburgh, Pa. 15219.	Kentucky West Virginia Gas Co., acreage in Dickenson County, Va.	43.80	14.73

¹ Includes 3.55 cents per M ft³ upward Btu adjustment and 4.30 cents per M ft³ tax reimbursement.

² Subject to upward Btu adjustment; estimated adjustment is 6.0 cents per M ft³.

³ Applicant is willing to accept a certificate in accordance with Opinion No. 609.

⁴ Being renegotiated, because by amendment filed July 29, 1974, Applicant requests a higher price. Price includes 3.47 cents per M ft³ tax adjustment.

⁵ Subject to upward and downward Btu adjustment.

⁶ Includes 0.99 cent per M ft³ for substantial gathering and is subject to upward and downward Btu adjustment; estimated upward adjustment is 4.16 cents per M ft³.

⁷ Being renegotiated, because by letter filed July 25, 1974, Applicant requests a higher price.

⁸ Subject to downward Btu adjustment.

⁹ Subject to upward and downward Btu adjustment and includes 1 cent per M ft³ gathering allowance.

¹⁰ Includes 3.784 cents per M ft³ upward Btu adjustment and 3.793 cents per M ft³ tax increment.

¹¹ Includes 1.25 cents per M ft³ upward Btu adjustment.

¹² Subject to upward and downward Btu adjustment and includes 3.7625 cents per M ft³ tax reimbursement.

¹³ Acreage farmed out to Patrick Petroleum Corp.

¹⁴ Includes 1 cent per M ft³ for tailgate delivery and 6.86 cents per M ft³ for Louisiana severance tax.

¹⁵ Includes 4.7 cents per M ft³ upward Btu adjustment, 3.6 cents per M ft³ state taxes and 1 cent per M ft³ gathering charge.

¹⁶ Includes 0.86 cent per M ft³ upward Btu adjustment.

[FR Doc.74-18596 Filed 8-14-74; 8:45 am]

[Docket Nos. R174-207, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund¹

AUGUST 7, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

¹ Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund,

as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
R174-207	Texaco, Inc.	149	11	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	\$18,720	7-8-74		7-9-74	27.3493	\$27.8622	R174-207.
	do	310	11	do	1,498	7-8-74		7-9-74	27.3493	\$27.8622	R174-207.
	do	306	8	do	5,925	7-8-74		7-9-74	25.4535	\$26.40825	R174-207.
R174-133	do	211	21	Northwest Pipeline Corp. (La Barge Field, Lincoln and Sublette Counties, Wyo.).	9,300	7-8-74		7-9-74	\$27.26	\$27.7788	R174-133.
	do			do	100			(9)	\$26.26	\$26.7530	
	do			do	25			(9)	\$25.08	\$25.5816	
R175-15	do	407	6	Northwest Pipeline Corp. (Moxa Field, Lincoln and Sweetwater Counties, Wyo.).	4,041	7-8-74		8-9-74	\$24.118	\$26.8123	
R174-178	Continental Oil Co.	303	2	Kansas-Nebraska Natural Gas Co., Inc.	1,227	7-8-74		7-9-74	27.56	\$28.3868	R174-178.
	do	304	2	Montana-Dakota Utilities Co. (East Riverton Field, Fremont County, Wyo.).	1,227	7-8-74		7-9-74	27.56	\$28.3868	R174-178.
	Austral Oil Co.	21	108	El Paso Natural Gas Co. (Huerfano Field, San Juan County, N. Mex.).	368	7-12-74		(9)	26.15	26.4728	
	do	22	106	do	2,444	7-12-74		(9)	26.15	26.4728	
	do	24	107	do	872	7-12-74		(9)	26.15	26.4728	
	do	26	108	do	223	7-12-74		(9)			
R174-128	Continental Oil Co.	108	9	Mountain Fuel Supply Co. (Salt Wells Unit, Sweetwater County, Wyo.).	1,720	7-8-74		7-9-74	24.48	\$25.3368	R174-128.
R175-16	Austral Oil Co.	21	9	El Paso Natural Gas Co. (Huerfano Field, San Juan County, N. Mex.).	630	7-15-74		1-15-75	26.4728	27.0257	
	do	22	7	do	4,185	7-15-74		1-15-75	26.4728	27.0257	
	do	24	8	do	872	7-15-74		1-15-75	26.4728	27.0257	
	do	26	11	do	223	7-15-74		1-15-75	26.4728	27.0257	
R174-140	Beta Development Co.	1	18	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex.).	26,007	7-8-74		7-9-74	23.87	\$29.1614	R174-140.
	do			do	5,438			7-9-74	30.89	\$31.2017	R174-140.
R174-114	Skelly Oil Co.	46	29	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.).	517	7-11-74		7-12-74	24.5	\$24.7680	R174-114.
	do			do	0			7-12-74	28.5	\$28.8117	R174-114.
R174-132	do	120	14	El Paso Natural Gas Co. (Bisti Field and East Bisti Unit, San Juan County, N. Mex.).	394	7-11-74		7-12-74	26.64	\$26.9314	R174-132.
	do	136	13	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.).	194	7-11-74		7-12-74	26.64	\$26.9314	R174-132.
	do	215	7	Northwest Pipeline Corp. (Ignacio-Blanco Field, La Plata County, Colo., and Basin Dakota Field, San Juan County, N. Mex.).	213	7-11-74		7-12-74	26.64	\$26.9314	R174-132.
	do			do	0			7-12-74	28.5	\$28.8117	

*Pressure base is 15.025 lb/in²a unless otherwise stated.¹ Pressure base is 14.65 lb/in²a.

² The proposed increased rate set forth in Respondent's filing is rejected to the extent it exceeds the rate set forth in the "Proposed Rate" column for lack of contractual authorization. The suspension period applies only to the rate set forth in the "Proposed Increased Rate" column.

³ Accepted to be effective as of the date set forth in the "Date Filing Tendered" column.

* Includes a double amount of contractually due tax reimbursement.

⁵ Applicable to all acreage except acreage added by Supplement Nos. 7 and 13.⁶ Applicable to acreage added by Supplement No. 7.⁷ Applicable to acreage added by Supplement No. 13.⁸ Includes ad valorem tax.⁹ Considered new gas pursuant to Opinion No. 639.¹⁰ Applicable to gas produced from wells completed prior to June 1, 1970.¹¹ Applicable to gas produced from wells completed on or after June 1, 1970.

Some of the proposed tax increases reflect full reimbursement for the recent increases in the Wyoming and New Mexico severance taxes, instead of the reimbursement authorized under the related contract. The area rate clause in these contracts is not applicable inasmuch as the area ceiling established in Opinion No. 658 was not changed as a result of the state tax increases. Accordingly, to the extent a proposed rate reflects reimbursement in excess of that permitted under the contract, it is rejected and treated as though it included only contractual tax reimbursement.

Texaco's tax increase under its FPC Gas Rate Schedule No. 407 includes ad valorem tax and is suspended for one day pending determination as to whether ad valorem taxes are allowable in computing the area ceiling rate under Opinion No. 658.

The proposed increases of Austral under its FPC Gas Rate Schedule Nos. 21, 22, 24, and 26 include a periodic increase in addition to tax reimbursement and exceed the Opinion No. 658 ceiling rate. Consequently, they are suspended for five months.

In those situations where the underlying rate is being collected subject to refund, the proposed tax increase is suspended for one day from the date of filing in the same suspension proceeding involving the underlying rate.

The other proposed tax increases are accepted as of the date of filing.

Some of the tax filings involved here, as noted in the table, include a double amount of the contractually due tax reimbursement so as to collect tax reimbursement on past production as well as on future production. Respondents in such cases shall file rate decreases reflecting only contractually due tax reimbursement for future production after tax reimbursement on past production has been recovered.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-18594 Filed 8-14-74; 8:45 am]

[Docket Nos. RI75-18, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

AUGUST 7, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Nat-

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI75-18.....	Texaco, Inc.....	16	12	Northern Natural Gas Co. (Eumont, Jalmat, Blinberry, Tubbs Gas Fields, Lea County, N. Mex., Permian Basin).	\$580,791	7-26-74		1-26-75	35.52	47.189	RI74-164.
RI74-33.....	Continental Oil Co.....	180	1 to 10	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex., Permian Basin).	(²)	7- 8-74		7- 9-74	24.0243	24.2814	RI74-33.
RI74-12.....	Hondo Oil & Gas Co.....	5	1 to 16 3 to 5	do. do.	(²) 42	7-15-74		(³) 7- 2-74	45.0 23.6563	45.4922 23.9162	RI74-12.

*Pressure base is 14.05 lb/in².

¹ Not applicable to Atoka formation gas.

² Not stated.

³ Applicable to production covered by Supplement Nos. 11 and 15.

Texaco's proposed increase exceeds the applicable area ceiling rate prescribed in Opinion No. 699, and is suspended for five months.

Continental's proposed tax increase, designated as Supplement No. 1 to 10 to its FPC Gas Rate Schedule No. 180, exceeds the ceiling rate in Opinion No. 662. Because it is a tax increase it is suspended for one day from the date of filing in the same suspension proceeding involving the underlying rate.

Hondo has filed a revised increase to reflect a correction in the amount of tax reimbursement contained in a prior increase that was suspended. The subject increase will be suspended in the existing suspension proceeding and will become effective, subject to re-

fund, as of the date the prior suspension period ended.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-18595 Filed 8-14-74; 8:45 am]

ural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[Docket Nos. RI72-248, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

AUGUST 7, 1974.

Respondents have filed proposed changes in rates and charges for jurisdic-

¹ Does not consolidate for hearing or dispose of the several matters herein.

tional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sec-

tions 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Com-

mission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-248	Continental Oil Co.	198	*15	El Paso Natural Gas Co. (North-east Haynes Field, Rio Arriba County, N. Mex., San Juan Basin).	\$1,034	7-8-74		(1)	26.1797	\$26.4475	
RI74-178	do		*16	do	(2)			7-9-74	28.0	\$28.3063	RI72-248.
	do		*17	do	1,050			8-28-74	26.7251	\$26.9985	RI74-178.
	do		*18	do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
	do	199	12	do	219	7-8-74		(1)	26.1797	\$26.4475	
	do		13	do	223			8-28-74	26.7251	\$26.9985	RI74-178.
	do	208	17	El Paso Natural Gas Co. (Lind-reth Field, Rio Arriba County, N. Mex., San Juan Basin).	1,673	7-8-74		(1)	26.1797	\$26.4475	
	do		18	do	1,708			8-28-74	26.7251	\$26.9985	RI74-178.
RI75-9	do		*19	do	1,447			8-18-74	24.5	\$24.7680	RI75-9.
RI72-248	do	221	*13	El Paso Natural Gas Co. (Ballard P. C. Area, Rio Arriba and Sandoval Counties, N. Mex., San Juan Basin).	227	7-8-74		(1)	26.1797	\$26.4475	
	do		*14	do	(2)			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do		*15	do	232			8-28-74	26.7251	\$26.9985	RI74-178.
	do		*16	do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
RI74-178	do	241	*12	El Paso Natural Gas Co. (North-east Farmington and Hi-Way Block, San Juan County, N. Mex.).	13	7-8-74			26.7251	\$26.9985	RI74-178.
	do		*13	do	(2)			7-9-74	28.5	\$28.8117	RI74-178.
RI72-248	do	242	*13	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex.).	17	7-8-74		(1)	26.1797	\$26.4475	
	do		*14	do	(2)			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do		*15	do	17			8-28-74	26.7251	\$26.9985	RI74-178.
	do		*16	do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
RI74-139	do	257	*18	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.).	26,110	7-8-74		(1)	26.1797	\$26.4475	
	do		*19	do	(2)			7-9-74	28.5	\$28.8117	RI74-139.
RI72-248	do	259	*15	El Paso Natural Gas Co. (Blanco Pictured Cliffs Areas, San Juan County, N. Mex.).	492	7-8-74		(1)	26.1797	\$26.4475	
	do		*16	do	205			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do		*17	do	502			8-28-74	26.7251	\$26.9985	RI74-178.
	do		*18	do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
RI72-248	do	266	*9	El Paso Natural Gas Co. (Rinceo Unit, San Juan County, N. Mex.).	8	7-8-74		(1)	26.1797	\$26.4475	
	do		*10	do	(2)			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do		*11	do	9			8-30-74	26.7251	\$26.9985	RI74-178.
	do		*12	do	(2)			8-30-74	28.5	\$28.8117	RI74-178.
RI72-248	do	267	*9	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.).	108	7-8-74		(1)	26.1797	\$26.4475	
	do		*10	do	105			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do		*11	do	107			8-28-74	26.7251	\$26.9985	RI74-178.
	do		*12	do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
	do	273	*9	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.).	2	7-8-74			26.7251	\$26.9985	RI74-178.
	do		*10	do	(2)			7-9-74	28.5	\$28.8117	RI74-178.
	do	274	*12	El Paso Natural Gas Co. (Fulcher-Kutz and West Kutz Fields, San Juan County, N. Mex.).	1	7-8-74			26.7251	\$26.9985	RI74-178.
	do		*13	do	(2)			7-9-74	28.5	\$28.8117	RI74-178.
RI72-248	do	277	*13	El Paso Natural Gas Co. (Huerfano Area, San Juan County, N. Mex.).	9	7-8-74		(1)	26.1797	\$26.4475	
	do		*14	do	18			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do		*15	do	13			8-30-74	26.7251	\$26.9985	RI74-178.
	do		*16	do	9			8-30-74	28.5	\$28.8117	RI74-178.
	do	278	*10	El Paso Natural Gas Co. (Blanco Area, Aztec Pictured Cliffs, San Juan County, N. Mex.).	(2)	7-8-74			26.7251	\$26.9985	RI74-178.
	do		*11	do	(2)			7-9-74	28.5	\$28.8117	RI74-178.
RI72-248	do	279	*9	El Paso Natural Gas Co. (Aztec Pictured Cliffs Area, San Juan County, N. Mex.).	2	7-8-74		(1)	26.1797	\$26.4475	
	do		*10	do	10			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do		*11	do	3			8-30-74	26.7251	\$26.9985	RI74-178.

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI72-245	do		287	12 do	(2)	245	7-8-74	8-30-74	28.5	\$28.8117	RI74-178.
	do			9 El Paso Natural Gas Co. (San Juan County, N. Mex.).				(1)	26.1797	\$26.4475	
RI74-178	do			10 do	(2)	250		7-9-74	28.0	\$28.3063	RI72-245.
	do			11 do				8-28-74	26.7251	\$26.9985	RI74-178.
	do			12 do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
RI72-245	do		295	8 El Paso Natural Gas Co. (Hi Way Block, San Juan County, N. Mex.).		100	7-8-74	(1)	26.1797	\$26.4475	
	do			9 do	(2)			7-9-74	28.0	\$28.3063	RI72-245.
RI74-178	do			10 do		102		8-28-74	26.7251	\$26.9985	RI74-178.
	do			11 do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
RI72-245	do		296	17 El Paso Natural Gas Co. (Rio Arriba County, N. Mex., San Juan Basin).		4,072	7-8-74	(1)	26.1797	\$26.4475	
	do			18 do		6,243		7-9-74	28.0	\$28.3063	RI72-245.
RI74-178	do			19 do		4,158		8-28-74	26.7251	\$26.9985	RI74-178.
	do			20 do		6,353		8-30-74	28.5	\$28.8117	RI74-178.
RI72-245	do		309	7 El Paso Natural Gas Co. (Honolulu Mesa Field, Rio Arriba County, N. Mex., San Juan Basin).		1,335	7-8-74	(1)	26.1797	\$26.4475	
	do			8 do	(2)			7-9-74	28.0	\$28.3063	RI72-245.
RI74-178	do			9 do		1,363		8-28-74	26.7251	\$26.9985	RI74-178.
	do			10 do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
RI72-248	do		332	8 El Paso Natural Gas Co. (San Juan County, N. Mex.).		153	7-8-74	(1)	26.1797	\$26.4475	
	do			9 do	(2)			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do			10 do		156		8-30-74	26.7251	\$26.9985	RI74-178.
	do			11 do	(2)			8-30-74	28.5	\$28.8117	RI74-178.
RI72-248	do		334	8 El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.).		82	7-8-74	(1)	26.1797	\$26.4475	
	do			9 do	(2)			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do			10 do		84		8-28-74	26.7251	\$26.9985	RI74-178.
	do			11 do	(2)			8-28-74	28.5	\$28.8117	RI74-178.
RI72-248	do		336	9 El Paso Natural Gas Co. (Blanco Field through Pictured Cliffs, San Juan County, N. Mex.).		2,769	7-8-74	(1)	26.1797	\$26.4475	
	do			10 do	(2)			7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do			11 do		2,827		8-30-74	26.7251	\$26.9985	RI74-178.
	do			12 do	(2)			8-30-74	28.5	\$28.8117	RI74-178.
RI72-248	do		339	9 El Paso Natural Gas Co. (Angels Peak Field, San Juan County, N. Mex.).		501	7-8-74	(1)	26.1797	\$26.4475	
	do			10 do		355		7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do			11 do		511		8-28-74	26.7251	\$26.9985	RI74-178.
	do			12 do		362		8-28-74	28.5	\$28.8117	RI74-178.
RI72-248	do		340	8 El Paso Natural Gas Co. (Blanco Field, through Pictured Cliffs, San Juan County, N. Mex.).		97	7-8-74	(1)	26.1797	\$26.4475	
	do			9 do		92		7-9-74	28.0	\$28.3063	RI72-248.
RI74-178	do			10 do		99		8-30-74	26.7251	\$26.9985	RI74-178.
	do			11 do		93		8-30-74	28.5	\$28.8117	RI74-178.
RI74-178	do		345	8 do	(2)	231	7-8-74	7-9-74	24.5	\$24.7680	RI74-178.
	do			7 do				7-9-74	28.5	\$28.8117	RI74-178.
	do		389	5 do		118	7-8-74	(1)	26.1797	\$26.4475	
	do			6 do		120		8-30-74	26.7251	\$26.9985	RI74-178.
	do		406	2 El Paso Natural Gas Co. (Blanco Field (Dakota), San Juan County, N. Mex.).		69	7-8-74	7-1-74	28.5	\$28.8117	RI74-178.

*Pressure base is 15.025.

1 Accepted to be effective as of date set forth in the "Date Filing Tendered" column.

2 No current production.

3 For wells completed prior to June 1, 1970.

4 For wells completed on or after June 1, 1970.

5 Subject to Btu adjustment up and down from 1,000 Btu.

6 Subject to Btu adjustment up from 1,050 Btu and down from 1,000 Btu.

7 For sales under Supplement Nos. 8, 10, and 13.

8 Does not apply to acreage under Supplement Nos. 6 and 8.

Some of the proposed tax increases relating to the recent increase in the New Mexico severance tax are increases from underlying rates that do not exceed the ceiling rates under Opinion No. 658 or Order No. 435, as applicable. These increases are accepted as of the date of filing.

The tax increase under Continental's FPC Gas Rate Schedule No. 406 is accepted as of July 1, 1974, because the sale comes within the provisions of Opinion No. 699.

The other tax increases are increases from underlying rates which are either under suspension or are being collected subject to refund. These increases are suspended for one day from the date of filing or until the expiration of the suspension period for the underlying rate, whichever is later, in the same suspension proceeding involving the underlying rate.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a

statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc. 74-18597 Filed 8-14-74; 8:45 am]

[Docket No. E-8621 etc.]

ARIZONA PUBLIC SERVICE CO. Rate Change Filings

AUGUST 9, 1974.

The Commission, by order issued July 15, 1974, in the above-docketed proceeding, accepted certain initial rate filings of Arizona Public Service Company (APS) (Dockets Nos. E-8621, E-8023, E-7904, E-8004, E-8688, E-8689, E-8767, E-8779, E-7907, E-8019, E-8620, E-7905) and rejected certain other proposed rate change filings. Appendix B enumerates

those rate change filings of APS which the Commission ordered rejected. Among those rate changes listed in Appendix B was Rate Schedule FPC No. 57 which was filed in Docket No. E-8689 with Arizona Electric Power Cooperative (AEPCC).

We note, however, that Rate Schedule FPC No. 57 was included in Appendix B solely through inadvertence. The clear intent of the language in the body of the Commission's July 15, 1974 order was to accept Rate Schedule FPC No. 57 for filing to become effective as of June 1, 1973. Accordingly, we shall delete from Appendix B reference to Rate Schedule FPC No. 57.

The Commission finds: Good cause exists to amend the Commission's July 15, 1974 order by deleting reference to Rate Schedule FPC No. 57 in Appendix B.

The Commission orders: Reference to Rate Schedule FPC No. 57 is hereby deleted from Appendix B in the Commission's July 15, 1974 order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18833 Filed 8-14-74; 8:45 am]

[Docket No. E-8866]

CENTRAL HUDSON GAS & ELECTRIC CORP.

Filing of Rate Change to New York Power Pool Agreement

AUGUST 9, 1974.

In the matter of Central Hudson Gas & Electric Corp., Consolidated Edison Company of New York, Inc., Long Island Lighting Co., New York State Electric & Gas Corp., Niagara Mohawk Power Corp., Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corp., Power Authority of the State of New York.

Take notice that on June 19, 1974, the Chairman of the Executive Committee of the New York Power Pool filed on behalf of the above listed organizations a revised Schedule C-2, "Intervening Party Transmission Facility Charge" (the "Schedule") to the New York Power Pool Agreement dated February 1, 1974 (the "Agreement"). The Agreement is presently before the Commission in Docket No. E-8778. The Schedule supersedes and replaces the Schedule C-2 now in effect and part of the Agreement. The proposed changes in the Schedule would change the basis upon which Intervening Party charges (as defined in the Agreement) are computed. The filing proposes that the Schedule become effective as of 12:01 a.m. April 28, 1974.

The reasons for the proposed changes in the Schedule are that, owing principally to rapid fluctuations in fuel prices, the energy charges associated with sales Schedules C-1 and C-3 of the Agreement have also fluctuated. It has been concluded that a fixed rate for the service under the Schedule is preferable to a percentage adder. The rates for the services outlined in paragraphs 1, 2, and 3 of the Schedule are one-half of those in paragraphs 4 and 5, because of the lesser portion of the overall transmission facilities used to supply such services. The new rates were negotiated by the members of the Pool through arm-length bargaining.

The Schedule has been adopted by all parties to the Agreement. Copies of the schedule have been mailed to each party at its principal place of business.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must

file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18820 Filed 8-14-74; 8:45 am]

[Docket No. E-8952]

THE CONNECTICUT LIGHT AND POWER CO.

Rate Schedule Changes

AUGUST 9, 1974.

Take notice that The Connecticut Light and Power Company (CL&P) on August 2, 1974, tendered for filing proposed changes in its rate schedule designated FPC Rate 1. The proposed changes would, effective September 1, 1974, increase revenues from jurisdictional sales and service by \$1,084,000 based on the 12 month period ending December 31, 1974. In addition, CL&P proposes to make modifications in the rate form, fuel adjustment clause formula and certain other provisions relating to service to its wholesale customers.

Applicant states that the increased rates are proposed in order to provide CL&P with increased revenues in order to permit it to earn a higher return upon its property devoted to service of its wholesale customers. CL&P cites, inter alia, increased taxes, high interest rates and rising labor and material costs in support of this rate increase.

Copies of the filing were served upon CL&P's jurisdictional customers and the State of Connecticut Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18828 Filed 8-14-74; 8:45 am]

[Docket No. E-8848]

CONSUMERS POWER CO.

Increase in Capacity

AUGUST 9, 1974.

Take notice that Consumers Power Company (Consumers) on June 13, 1974 tendered for filing a letter, dated February 1, 1974, from Consumers to Alpena Power Company (Alpena). The letter increases, as of April 1, 1974, the capacity reservation from 50,000 kVA to

60,000 kVA in the existing wholesale rate contract, dated June 27, 1966 (designated as Consumers Rate Schedule FPC No. 13), as amended, between Consumers and Alpena. The February 1 letter supersedes and cancels Consumers' previous letter between the parties dated January 9, 1974. Consumers requests waiver of notice requirements of the Commission's regulations, § 35.3, to permit the increase in capacity reservation to become effective as of April 1, 1974.

(No proposed notice of publication in the FEDERAL REGISTER, pursuant to § 35.8 (a) of the Commission's regulations under the Federal Power Act, is included in the filing.)

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18819 Filed 8-14-74; 8:45 am]

[Project No. 2503]

DUKE POWER CO.

Application for Change in Land Rights

AUGUST 9, 1974.

Public notice is hereby given that application was filed March 4, 1974, supplemented May 23, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by the Duke Power Company (Correspondence to: George W. Ferguson, Jr., Associate General Counsel, Duke Power Company, Post Office Box 2178, Charlotte, North Carolina 28242) for a change in land rights for partially constructed Project No. 2503, known as the Keowee-Toxaway Project, located on the Keowee, Little, Whitewater, Toxaway, Thompson, and Horsepasture Rivers, all tributary to the Savannah River, a navigable waterway of the United States, in Oconee and Pickens Counties, South Carolina and Transylvania County, North Carolina.

Applicant seeks Commission approval of an agreement which would permit the construction of a sewer line and the discharge of the treated sewage effluent into Lake Keowee.

The agreement would be between the Applicant and Lake Keowee Development Corporation for the purpose of providing sewer service to a new residential subdivision being developed by the Corporation on the shores of Lake Keowee.

The proposed sewer line would occupy a permanent 4 foot right-of-way on the

Little River arm of Lake Keowee in Oconee County, South Carolina. A temporary easement extending 20 feet to either side of the permanent 4 foot right-of-way would be granted for construction purposes and for future repairs or maintenance.

The proposed sewer line and outfall would extend 425 feet inside the project boundary which is contour elevation 804 feet m.s.l. at this location. The sewage treatment facilities would be located outside the project boundary.

Any person desiring to be heard or to make protest with reference to said application should on or before September 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-18830 Filed 8-14-74; 8:45 am]

[Docket Nos. CP74-47 and RP74-57, etc.]

EL PASO NATURAL GAS CO.

Collection of Costs Subject to Refund

AUGUST 12, 1974.

On July 22, 1974, El Paso Natural Gas Company (El Paso) filed with this Commission an Application for rehearing of our orders of June 21, 1974 at Docket No. CP74-47¹ and July 9, 1974 at Docket Nos. RP74-57, et al.² El Paso alleges that rehearing must be granted because: (1) The Commission erred by unlawfully denying El Paso the opportunity to recover through its rates the cost of service attributable to facilities dedicated to and used and useful in providing natural gas service to high priority users on El Paso's interstate system and (2) Through issuance of an order in section 7 certificate proceeding, and without notice or hearing as required by law, the Commission erred by unlawfully prejudging the merits of an item of cost in El Paso's Section 4 rate proceeding.³

It appears from the records in these proceedings that on August 20, 1973, El

Paso filed at Docket No. CP74-47 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 20.2 miles of field transmission pipeline to facilitate delivery of additional supplies of natural gas to El Paso's interstate transmission system. On September 28, 1973, El Paso requested that a temporary certificate be issued under § 157.17 of our regulations to alleviate a supply deficiency that might result in the curtailment of high priority customers. El Paso notified the Commission on November 16, 1973 that it began construction of the proposed pipeline facilities on November 8, 1973, pursuant to § 157.22(a) of the Commission's regulations, and that construction was expected to be completed in 45 days, at which time operations were to begin on an emergency basis. El Paso has since advised the Commission that it commenced operating the pipeline on January 1, 1974.

On January 10, 1974, El Paso filed for a major rate increase of Docket No. RP74-57 in which the jurisdictional cost of service underlying the proposed rates included costs and expenses associated with the uncertificated pipeline facilities under consideration at Docket No. CP74-47. This Commission, by order issued February 8, 1974, suspended the effectiveness of the proposed rates until July 10, 1974 and directed that should the uncertificated facilities not be certificated and in service when the rates become effective, El Paso was to amend its filing to eliminate such items from its filing and amend the appropriate rate schedules to eliminate such costs.⁴

On June 21, 1974, we issued an order in Docket No. CP74-47 which granted El Paso a temporary certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and § 157.17 of the Commission's regulations thereunder, for the operation of the subject facilities and established hearing procedures. On July 9, 1974, we accepted El Paso's proposed tariff sheets for filing at Docket Nos. RP74-57 et al., and allowed El Paso to place into effect rates which did not reflect the cost of the pipeline facilities subject to proceedings at Docket No. CP74-47.

El Paso alleges that the Commission has, through its orders, foreclosed the company from collecting, commencing July 10, 1974, revenues attributable to its cost of service for the pipeline facilities proposed at Docket No. CP74-47 which have been used since January 1, 1974 and which have been certificated on a temporary basis by our June 21 order. While we have not certificated construction of these facilities either on a permanent or temporary basis, there does exist the possibility that El Paso would lose as

much as \$294,941⁵ in annualized cost of service revenues should we deny them the opportunity to commence collections effective July 10, 1974, and subsequently find that El Paso acted reasonably in the construction and use of these facilities pursuant to the emergency provisions of our regulations. We shall, therefore, permit El Paso to file revised tariff sheets reflecting the cost of service attributable to the subject pipeline facilities pending the outcome of proceedings in Docket No. CP74-47. Should it be determined in the certificate proceeding that El Paso acted improperly in constructing and operating these facilities prior to Commission approval, we shall require El Paso to adjust its rates effective July 10, 1974, in Docket No. RP74-57 to reflect removal of the costs attributable to the construction and operation of such facilities and to reflect the corresponding adjustments to sales, revenues and allocation factors made necessary by non certification.

Since we are allowing El Paso to collect the revenues applied for in Docket No. RP74-57 pending decision on the merits of its expenditures in Docket No. CP74-47, we believe that El Paso's second specification of error, that this Commission erred by unlawfully prejudging the merits of an item of cost, has been remedied and rendered moot.

The Commission finds: (1) The application of El Paso Natural Gas Company for rehearing of Commission orders, issued June 21, 1974 and July 9, 1974 at Docket Nos. CP74-47 and RP74-57, et al., respectively should be granted subject to the terms and conditions of this order.

(2) El Paso should be permitted to collect revenues proposed in Docket No. RP74-57, effective July 10, 1974, relating to such facilities for which El Paso has made application for Commission certification in Docket No. CP74-47 subject to the terms and conditions of this order.

The Commission orders: (A) The Application of El Paso Natural Gas Company for Rehearing of Commission orders in these dockets is hereby granted.

(B) El Paso is directed to file in Docket No. RP74-57, within fifteen (15) days of the issuance of this order, substitute tariff sheets reflecting rates which include the costs of the facilities for which El Paso has requested certification in Docket No. CP74-47 to be effective as of July 10, 1974, subject to adjustment and refund to reflect removal of the costs attributable to the construction and operation of such facilities and to reflect the corresponding adjustments to sales, revenues and allocation factors necessary should the facilities not be certificated.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-18818 Filed 8-14-74; 8:45 am]

⁵ El Paso's estimate.

¹ Order Granting Intervention, Granting Temporary Certificate of Public Convenience and Necessity, Establishing Procedural Dates and Filing Date for Formal Hearing, Docket No. CP74-47, issued June 21, 1974.

² Order Accepting Tendered Tariff Sheets for Filing and Placing Suspended Rates Into Effect, Docket Nos. RP74-57 et al., issued July 9, 1974.

³ Application of El Paso Natural Gas Company for Rehearing of Commission Orders, Docket Nos. CP74-47 and RP74-57 et al., p. 4.

⁴ Order Accepting for Filing and Suspending Tendered Tariff Sheets, Permitting Interventions, Consolidating Proceedings, Providing for Hearing and Establishing Procedures, Docket Nos. RP74-57, et al., issued February 8, 1974, mimeo p. 5.

[Docket Nos. RP74-19, RP69-2, RP70 25, RP71-27, RP71-28, and RP72-144]

FLORIDA GAS TRANSMISSION CO.

Changing Date of Prehearing Conference

AUGUST 9, 1974.

On August 5, 1974, a notice was issued fixing a prehearing conference for August 20, 1974, in the above-designated matter. Due to a calendar conflict of the Administrative Law Judge, it is necessary to change the prehearing date as scheduled.

Upon consideration, notice is hereby given that the prehearing is changed to Monday, August 19, 1974, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18837 Filed 8-14-74; 8:45 am]

[Docket No. RP74-86]

GULF ENERGY AND DEVELOPMENT CORP.

Further Extension of Time and Postponement of Hearing

AUGUST 9, 1974.

On July 31, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued June 24, 1974 in the above-designated matter. The motion states that there was no opposition by any of the parties to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of evidence by Staff, August 30, 1974.

Service of evidence by Intervener, September 11, 1974.

Service of Company Rebuttal, September 30, 1974.

Hearing, October 15, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18840 Filed 8-14-74; 8:45 am]

[Docket No. E-8843]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Proposed Rate Schedules

AUGUST 9, 1974.

On June 11, 1974, Holyoke Water Power Company (HWP) tendered for filing proposed supplement No. 1 to supplement No. 4 to its electric service agreement with the City of Chicopee, Massachusetts. (FPC rate schedule No. 5) HWP also tendered for filing on behalf of Holyoke Power and Electric Company (HP&E) proposed supplement No. 1 to supplement No. 4 to an electric service agreement between HP&E and the Town of South Hadley, Massachusetts. (FPC rate schedule No. 4)¹ HWP states that based on a 1974 test year period the proposed rate increase would generate additional revenue for both companies totaling \$3,811,000 (\$2,809,000 for HWP and

\$1,002,000 for HP&E) and would result in a rate of return of 8.28 percent.

According to HWP, the additional revenue is needed because of: (1) increased costs due to inflation; (2) the need to finance a large construction program; (3) the measures taken to cope with the oil shortage and the energy crisis which have caused a substantial reduction in electric sales and revenues; (4) increased business risk due to the fact that two municipal customers, who supply 40 percent of HWP's total revenues, have switched in the past two years from full requirements customers to partial requirements customers; (5) increased business risk resulting from the fact that HWP has few retail customers and is limited in its ability to attract new customers; and (6) environmental factors, such as the need for additional pollution equipment, that have forced electric utilities to spend and budget large amounts of money that provide no additional revenue or expensive savings. HWP asserts that the present rates will result in a negative return of 15.45 percent on the net investment allocable to the wholesale business.

Notice of the proposed increase was issued on June 19, 1974, with protests or petitions to intervene due on or before June 28, 1974. On June 28, 1974, a timely petition to intervene was filed by the City of Chicopee and the Town of South Hadley (Customers). On July 1, 1974, an untimely petition to intervene was filed by Congressman Edward P. Boland, a Representative from the second Congressional District of the Commonwealth of Massachusetts.

The Customers allege: (1) the proposed rate increase is barred by the Mobile-Sierra doctrine²; (2) certain provisions of the two agreements as proposed to be amended are anticompetitive; and (3) HWP has made several errors in its calculation and subsequent allocation of the cost of service. On July 10, 1974, HWP filed a response to the petition to intervene.

The agreements with South Hadley and Chicopee are for fixed terms, until September 30, 1981, and November 30, 1979, respectively, but both agreements also contain clauses which permit a unilateral filing with the appropriate regulatory agency. Thus, although the contracts are fixed term contracts, they are not fixed rate contracts, since each contract specifically permits unilateral changes in the rates within the term of the contract.

Section 10 of South Hadley's contract with HP&E reads as follows:

Either party to this contract may, during the ninety (90) days next prior to October 1, 1964 and to October 1 every three years thereafter during the term of this agreement (and at other times in case of war or great calamity or exigency) request the Massachusetts Department of Public Utilities, or its successors, to readjust the price or any of the terms or conditions upon which elec-

trical energy is sold hereunder, on the ground that conditions have changed materially since the date of this contract and that it works a substantial hardship on the party entering the complaint. The Department, acting as arbitrator, may hear the parties and may readjust the price of terms of this contract, and its decision shall be final and binding upon such parties for the balance of the term of this contract, or until again readjusted as herein provided.

South Hadley argues that the proposed rate increase is barred by the above language because: (1) HP&E did not submit its request for a readjustment of the contractual rates to the Commission within the ninety days prior to October 1, 1973; (2) since HP&E failed to meet its contractual requirements, it is prohibited by the contract from requesting any rate increase until 1976; and (3) should the Commission determine the filing was proper, the contractual language which requires the Commission to act as an arbitrator requires that a final decision must be issued before the rates could become effective.

In its response to the petition to intervene HP&E argues: (1) proper notice was given to South Hadley on September 24, 1973; (2) the notice also contained a request for an extension of the filing period to which no response was received, but South Hadley by its conduct gave its assent to the extension; (3) South Hadley is placing undue emphasis on satisfying what is technical language without considering the intent of the contract; (4) the negative return now being earned on HP&E's wholesale sales constitutes an exigency as enunciated in the contract which would permit a unilateral filing at any time; (5) South Hadley's interpretation of the contract would apparently require the Commission to act as an arbitrator which is a role the Commission cannot carry out under the Federal Power Act; and (6) the Commission should examine state law at the time the contract was formulated to determine whether HP&E and South Hadley contemplated a filing procedure similar to that under section 205 of the Federal Power Act.

We disagree with HP&E's assertion that the notice sent to South Hadley on September 24, 1973, was sufficient to satisfy the requirements of Section 10 of the South Hadley contract. Section 10 requires that a request for an increase in the contract rate or other contract modification be made to the state agency or its successors during, "the ninety (90) days next prior to October 1, 1964 and to October 1 every three years thereafter, during the term of this agreement." HP&E did not file a rate increase with this Commission within the time frame specified in section 10. Accordingly, we find that the notice sent to South Hadley is insufficient to fulfill the filing requirements of section 10 of the South Hadley contract.

With regard to the Company's assertion that an alleged negative return of 15.45 percent constitutes an "exigency" within the meaning of section 10, we note that section 10 contemplates in every filing pursuant thereto that the party seeking change or modification be

¹ HP&E is a wholly owned subsidiary of HWP and the two companies' operations are integrated.

² United Gas Pipeline Company v. Mobile Service Corporation, 350 U.S. 332 (1956); and F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

able to show that, "conditions have changed materially since the date of this contract and that it works a substantial hardship on the party entering the complaint." Therefore, the context, "(and at other times in case of war or great calamity or exigency)", in which the term "exigency" appears in section 10 requires more than a showing of material change and substantial hardship.

As to South Hadley's assertion that the Commission must act as an arbitrator and grant prospective relief only, we must determine the intent of the parties in light of state law at the time the contract was executed. Section 94 of Chapter 164 of the Massachusetts General Laws required in 1961 that a filing, "shall not become effective until the first day of the month next after the expiration of fourteen days from the filing thereof," and that the state agency had the authority to, "suspend the taking effect thereof, from time to time, but not for a period longer than ten months beyond the time when such rate, price or charge would otherwise become effective." Our reading of the statute indicates that the Massachusetts Commission was authorized to act as a quasijudicial body much like this Commission in reviewing rate increases pursuant to section 205 of the Federal Power Act. Accordingly, we cannot accept the argument of South Hadley that this language requires the Commission to act as an arbitrator and permit prospective relief only.

After a thorough review of the South Hadley contract we conclude that while the parties did in fact contemplate a unilateral filing procedure similar to section 205 of the Federal Power Act, nevertheless, such filing is contractually barred in this case since HP&E did not file its rate increase request within the time span specified in section 10. Since such filing was not made, a unilateral filing could be made only in times of war, great calamity, or exigency. Accordingly for the above stated reasons, we find that no "exigency" exists within the meaning of section 10 and that HWP's filing on behalf of HP&E must be rejected.

We turn now to section 10 of the contract between Chicopee and HWP which reads as follows:

The Rates payable by the consumer hereunder may be revised as provided in this Article at three (3) year intervals on the anniversary date of this agreement. Either party desiring such revision of rates in any such year shall give written notice of such desire to the other party during the month of August or September, in such year and, unless the parties shall reach an agreement upon the matter within two (2) weeks after giving such notice, the matter shall be submitted for decision to the Massachusetts Department of Public Utilities or such other department, board, or commission as shall have the general powers of said department with reference to the supervision and control of electric companies.

The decision of said department, board, or commission upon rate revision as above provided shall be binding upon parties and shall take effect on the first day of the month following such decision and shall remain in

force thereafter during the remainder of the term of this AGREEMENT, or until another revision is made in a subsequent year in accordance with the provisions of this Article.²

Chicopee avers that the proposed rate increase is invalid because: (1) the notice was not adequate; (2) after giving notice, the Company did not make a good faith attempt to reach an agreement with Chicopee; (3) section 10 stipulates that the rates can be revised only at three year intervals on the anniversary date of the agreement which would mean the proposed revision must have an effective date no later than December 1, 1973, and since the Commission cannot order a retroactive rate increase, the proposed increase should be rejected; and (4) even if HWP did properly comply with the requisite notice procedure, section 10 also requires that any proposed revision in rates be submitted for decision which would require a section 206 investigation instead of a section 205 proceeding.

HWP in its response to the petition to intervene argued: (1) adequate notice was given on September 24, 1973; (2) if the parties could have foreseen the subsequent regulatory changes, they would have permitted a section 205 filing; and (3) the provision requiring that any proposed revision should be effective only on the first day of the month following a decision was predicated on the state law that existed when the contract was formulated, and said language was rendered unnecessary and was nullified when the Federal Power Commission asserted its jurisdiction.

We conclude from our review of the Chicopee contract that proper notice to the other party must be given during August and September of the year in which the contract was signed and at three year intervals thereafter. Having tendered proper notice on September 24, 1973, HWP has satisfied the notice requirements of section 10 of the Chicopee contract.

Section 10 of the Chicopee contract also states that after notice is tendered the parties have two weeks to reach an agreement, and if an agreement is not concluded within two weeks, the matter shall be submitted to the Massachusetts Department of Public Utilities or its successor. A fair construction of the above stated contractual language indicates that the parties intended that, in the event an agreement is not concluded within two weeks after notice is tendered, a unilateral filing could be made to the appropriate agency.

With respect to HWP's argument that the language in the Chicopee contract that permits prospective relief only was nullified when the Federal Power Commission asserted its jurisdiction, we are compelled as a matter of law to give effect to the expressed intentions of the parties as evidenced by the contractual language. The mere assumption by the Federal Power Commission of jurisdiction over this sale cannot serve to con-

²The Agreement is dated December 1, 1964.

travene the contractual rights and obligations here involved.

Therefore, we find a proper contractual basis exists for the institution of a section 206 investigation and the company, at the hearing hereinafter ordered, shall have the burden of establishing that the proposed rate change is just and reasonable. The burden of proof described by the Supreme Court in the Sierra case, supra., note 2, would not apply to this proceeding because the contract obviously contemplates that the Commission may order a change in rates should either party unilaterally make a timely request for such change; that is, the rates are not fixed for the term of the contract, only the manner in which such a change may be effected is contractually established.³

The customers also allege that the proposed rate schedules are anticompetitive for the following reasons: (1) section 4 in both contracts requires the customers to purchase all of their power from HWP except for the entitlements Chicopee receives from two nuclear units; (2) section 7 of both contracts restricts the resale of power purchased from HWP; (3) the rate design prevents the customers from purchasing power from other sources; (4) both contracts have a 100 percent ratchet which restricts the customer's efforts to obtain additional base load power resources; and (5) since HWP earns a smaller return on its retail sales than on its wholesale sales, a price squeeze has occurred which hinders the customer's attempts to compete for the retail load.

With respect to the allegations of the customers concerning an alleged price squeeze, the Commission must utilize a cost plus fair return standard for establishing just and reasonable wholesale rates and does not have the authority under the Act to set wholesale rates predicated upon retail rates over which we exercise no jurisdiction.⁴ Accordingly, our determination of the just and reasonable wholesale rate in this proceeding shall be based on those costs properly allocable thereto, and at the hearing hereinafter ordered, the scope of the inquiry into the antitrust allegations raised by customers shall be limited to matters other than the alleged price squeeze issue.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the

³Indiana and Michigan Electric Company, Docket No. E-7740, order issued June 3, 1974.

⁴See: Florida Power and Light Company, Docket No. E-8008, order issued January 21, 1974; Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974; Louisiana Power and Light Company, Docket No. E-8615, order issued April 12, 1974; Wisconsin Electric Power Company, Docket No. E-8619, order issued April 19, 1974; Southern California Edison Company, Docket No. E-8570, order issued April 25, 1974; Pacific Gas and Electric Company, Docket No. E-7777, order issued May 15, 1974; Southern California Edison Company, Docket No. E-8570, order issued June 5, 1974; and Western Massachusetts Electric Company, Docket No. E-8798, order issued July 19, 1974.

Federal Power Act that the Commission enter into an investigation under section 206 of the Federal Power Act concerning the just and reasonableness of the rates and charges contained in proposed Supplement No. 1 to Supplement No. 4 to FPC Rate Schedule No. 5 for service to Chicopee.

(2) Good cause exists to reject proposed Supplement No. 1 to Supplement No. 4 to FPC Rate Schedule No. 4 for service to South Hadley.

(3) The participation of the above-named intervenors may be in the public interest, however, such participation shall be limited to those issues other than the price squeeze issue.

(4) The disposition of these procedures should be expedited in accordance with the procedures set forth below.

The Commission orders: (A) HWP's proposed Supplement No. 1 to Supplement No. 4 to FPC Rate Schedule No. 4 is hereby rejected.

(B) HWP's proposed Supplement No. 1 to Supplement No. 4 to FPC Rate Schedule No. 5 is hereby accepted for filing and its effective date deferred pending Commission review of the justness and reasonableness of the proposed rate.

(C) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held commencing on January 21, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the just and reasonableness of the rates proposed to be charged in HWP's proposed Supplement No. 1 to Supplement No. 4 to Rate Schedule No. 5.

(D) On or before December 5, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of the intervenors shall be served on or before December 20, 1974. Rebuttal evidence of HWP shall be served on or before January 9, 1975.

(E) The Customers' motion to reject the proposed rate increase is hereby granted as to Supplement No. 1 to Supplement No. 4 to FPC Rate Schedule No. 4 and is hereby denied as to Supplement No. 1 to Supplement No. 4 to FPC Rate Schedule No. 5.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene; *Provided, That* at the hearing herein ordered the scope of the inquiry into the antitrust allegations raised by customers shall be limited to matters other than the alleged price squeeze issue; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Com-

mission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(H) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(I) The Secretary shall cause prompt publication of this order in the **FEDERAL REGISTER**.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18815 Filed 8-14-74; 8:45 am]

[Docket Nos. CP74-216 etc.]

INTERSTATE TRANSMISSION ASSOCIATES ET AL.

Compliance With the National Environmental Policy Act

AUGUST 9, 1974.

Six related applications have been filed with the Commission comprising a proposal to import approximately 400,000 Mcf per day at 14.73 p.s.i.a. from Canada for transportation and sale to two jurisdictional pipeline recipients of the Canadian gas. The proposed supply will be available for a six-year period commencing November 1, 1974. The six proposals are briefly summarized below.

Docket No. CP74-216: Interstate Transmission Associates (Interstate Transmission), a partnership of Pacific Interstate Transmission Company (Pacific Interstate)¹ and Northwest Energy Company (Northwest Energy)², seeks authorization to construct and operate a new 373 mile 26-inch pipeline from Kingsgate, British Columbia, through the States of Idaho and Washington to Rye Valley, Oregon, in order to transport for Pacific Interstate volumes of gas which the latter will purchase from Pan-Alberta Gas, Ltd. (Pan-Alberta) in the Province of Alberta, Canada. Pacific Interstate will sell such gas, averaging 397,500 Mcf per day, to El Paso Natural Gas Company (El Paso), Northwest Pipeline Corporation (Northwest), and Southern California Gas Company (SoCal), with SoCal's gas being transported for the account of Pacific Interstate via existing and proposed facilities of El Paso and Northwest. Both the import and re-

¹ A wholly-owned subsidiary of Pacific Lighting Corporation.

² A wholly-owned subsidiary of Northwest Pipeline Corporation.

sale of gas will be for a six-year period, with Pan-Alberta having the option to have equivalent volumes redelivered to it after commencement of flow of Alaskan gas from the North Slope.

Under the proposal herein, Interstate Transmission will receive at Kingsgate, British Columbia, an average of 402,800 Mcf/d and up to a maximum of 443,000 Mcf per day of gas purchased from Pan-Alberta by Pacific Interstate, and transport such gas through its proposed facilities to two points of delivery on Northwest's system at Meacham, Oregon and Rye Valley, Oregon. Such transportation will be on a firm basis, under a cost of service tariff, and is indicated to average 27.16¢/Mcf in the first year.

The cost of Interstate Transmission's proposed facilities (373 miles of 26-inch pipeline, two 17,500 HP compressor stations, a purchase meter station at Kingsgate and meter stations, a purchase meter station at Kingsgate and meter stations at Meacham, Oregon and Rye Valley, Oregon) is estimated at \$121,003,000, which will be financed through issuance of \$91,664,000 of 8.5 percent First Mortgage Bonds and receipt of \$30,625,000 of partnership equity contributions.

Docket No. CP74-217: In this filing Interstate Transmission seeks a Presidential Permit authorizing construction and operation, maintenance and connection of facilities at the international boundary in order to import gas from Canada into the United States. Said facilities will implement the transportation service proposed in Docket No. CP74-216, and consist of 2.6 miles of 26-inch pipeline, and a meter station with appurtenant facilities.

Docket Nos. CP74-218; 219: Pacific Interstate seeks authorization, in Docket No. CP74-218, for the sale of gas to be imported from Canada (which import authorization it requests in Docket No. CP74-219) as follows:

- (1) To Northwest Pipeline Corporation—an average of 80,000 Mcf per day, to be delivered at Meacham and Rye Valley, Oregon.
- (2) To El Paso Natural Gas Company—an average of 210,000 Mcf per day, to be delivered at Ignacio, Colorado.
- (3) To Southern California Gas Company—an average of 107,500 Mcf per day, to be delivered at the California-Arizona border.

Said volumes will be delivered via the facilities of Interstate Transmission (as proposed in related Docket No. CP74-216), Northwest Pipeline (as requested in Docket No. CP74-221), and El Paso (as sought in Docket No. CP74-228).

Pacific Interstate has contracted to purchase the subject gas from Pan-Alberta (a partnership of the existing Alberta Gas Trunk Line Company and newly formed Alberta Energy Company, the latter to be 50 percent owned by the Alberta Government and 50 percent publicly held) at a rate of 78.6¢ per Mcf for 92 percent of the gas delivered and 64.6¢ per Mcf for the remainder. Pacific Interstate will make the proposed sales to its three customers on a cost-of-service basis, with rates estimated to be as follows:

Purchaser	Rate per Mcf	
	1st Year	Average (6 years)
Northwest Pipeline Corp.	\$1.09	\$1.04
El Paso Natural Gas Co.	1.10	1.14
Southern California Gas Co.	1.82	1.28

Both the gas purchased from Pan-Alberta and the sales to Northwest, El Paso and SoCal will be for a 6-year period commencing November 1, 1974, or date of receipt of appropriate regulatory approvals, and ending October 31, 1980. Pan-Alberta has an option to repurchase equivalent volumes from Pacific Interstate during any or all of a series of 5-year periods commencing November 1, 1984, and ending October 31, 1999, from Pacific Interstate's (or affiliates') share of gas from the Gas Arctic Pipeline project.

Docket No. CP74-221: Northwest Pipeline proposes to construct and operate, at an estimated cost of \$23,000,000, three new compressor stations with a total of 16,800 HP; and additional 4,500 HP at two existing compressor stations, and a total of 49 miles of 30-inch transmission pipeline looping its existing 22-inch mainline southeast from the new compressor station No. 13A to its existing compressor station No. 12, in the States of Idaho and Oregon, in order to transport a maximum day volume of 342,000 Mcf for Pacific Interstate.

Via the additional capacity to be provided by these facilities Northwest will receive from Interstate Transmission at Meacham and Rye Valley, Oregon, an average daily volume of 397,500 Mcf for the account of Pacific Interstate, of which 80,000 Mcf will be purchased by Northwest, and the remaining 317,500 Mcf per day delivered for Pacific Interstate's account to El Paso at Ignacio, Colorado. Northwest proposes to flow through, under its PGA clause, the estimated \$1.09 per Mcf first year cost of the incremental gas to be purchased from Pacific Interstate. For the transportation service, Northwest estimates it will charge Pacific Interstate 10.77¢ per Mcf, based on an annual depreciation rate of 16.66 percent and rate of return of 10.155 percent on the incremental facilities over the anticipated six-year life of the project. Northwest requests specific accounting authorization for the proposed depreciation rate.

Docket No. CP74-228: El Paso proposes to reinforce its San Juan Basin triangle facilities in northwest New Mexico by uprating and modification of existing compressor facilities,* to enable it to re-

ceive from Northwest at Ignacio, Colorado, for the account of Pacific Interstate, an average daily quantity of 317,500 Mcf (up to 342,000 Mcf on a maximum day), of which El Paso will purchase 210,000 Mcf per day and transport the remaining 107,500 Mcf per day through its San Juan mainline for delivery to SoCal at Topock, Arizona, for the account of Pacific Interstate. El Paso's proposed facilities are estimated to cost \$6,193,000. The cost of the gas to be purchased by El Paso from Pacific Interstate is estimated at \$1.19 per Mcf during the first year of operation, and for the transportation service to be rendered Pacific Interstate, El Paso estimates it will charge 13.58¢ per Mcf.

The above applications were jointly noticed in the FEDERAL REGISTER on March 25, 1974 (39 FR 11141), the following timely petitions to intervene and notices of intervention have been filed:

Nevada Industrial Customers
Southwest Gas Corporation
San Diego Gas and Electric Company
Arizona Public Service Company
El Paso Natural Gas Company
People of the State of California and the Public Utilities
Commission of the State of California
Southern California Gas Company
Washington Utilities and Transportation Commission
Colorado Interstate Gas Company, a division of Colorado Interstate Corporation
Utah Gas Service Company
Wyoming Industrial Gas Company
Idaho Public Utilities Commission
Southern California Edison Company
Pacific Gas Transmission Company
Pacific Gas and Electric Company
Public Utility Commissioner of Oregon
Northwest Natural Gas Company
The Washington Water Power Company
Tucson Gas & Electric Company
Cascade Natural Gas Corporation
Natural Gas Pipeline Company of America
Michigan Wisconsin Pipe Line Company
Sierra Pacific Power Company
Phillips Petroleum Company
Mountain Fuel Supply Company
Northwest Pipeline Corporation
Pacific Interstate Transmission Company

The above petitions and notices make appropriate showings under § 1.8 of the Commission's rules of practice and procedure, and accordingly these interventions should be permitted. In addition, late petitions to intervene were received from Washington Natural Gas Company on April 10, 1974, and from Intermountain Gas Company on May 28, 1974. In view of the fact that hearings have not begun, and no delay will result from granting these petitions, the interventions should be permitted.

In the judgment of the Commission, formal hearings are required to develop an evidentiary record concerning these applications, due in part to the fact that the supply to be attached is committed for only a six year period and could

pressor units at the Blanco Field Plant, (4) uprate by 1200 HP and 2200 HP, respectively, two existing 17,000 HP field compressors at its Chaco Field Plant, San Juan County, New Mexico.

require the return of equivalent volumes. Two customers of El Paso (Arizona Public Service Company and Tucson Gas & Electric Company) and one of Northwest Pipeline (Washington Water Power Co.) request a formal hearing on the proposals.

Against the preceding factual and procedural background, the applicants have filed on June 4, 1974, a joint motion requesting consolidation and the establishment of certain procedural dates.⁴ On July 9, 1974, direct evidence was peremptorily transmitted by Northwest to the Chief Administrative Law Judge. The Commission takes no issue with consolidation of these dockets, however, in view of the complexity and magnitude of the consolidated docket, a single continuous session for the presentation of all direct, answering, and rebuttal testimony would be unduly long, and the quality of the record might accordingly suffer. In cases of this nature, the established practice of first cross-examining the direct case of the Applicants gives all counsel better opportunity to prepare with a corresponding benefit to the record.

Moreover, under no circumstances will we permit this record to be closed prior to insertion of the Final Environmental Impact Statement of the Commission Staff.

However, the Commission sees no reason, since some of the applicants' direct testimony has reportedly been filed, that such cross examination cannot begin of that testimony, provided that system-wide end use data is included in the submission. Such a session can begin on October 1, 1974. At the close of cross-examination, an additional hearing date should be devised, if practical, with appropriate service dates, for cross-examination of answering testimony of intervenors and Staff, of reply testimony of the applicants, and of environmental testimony pursuant to Section 2.81(d) of the Commission's Regulations. The date for such environmental testimony must be subsequent to the issuance of Staff's Draft Environmental Impact Statement and should give adequate opportunity for evaluation of that statement. The obligation to present environmental evidence is one which § 2.81(d) imposes jointly on all parties, including the Commission staff, and need not proceed in parry and riposte fashion. In the Commission's view, the date established by the Presiding Judge should include testimony in support and in opposition to the Staff statement, and consideration should be given to deferral of the cross-examination of all environmental witnesses until all environmental testimony is to be cross-examined.

The Commission finds: (1) It is desirable and in the public interest to allow all of the above-named petitioners to intervene in order that they may establish the facts and the law from which the na-

⁴ The Applicants suggest a prehearing conference in the alternative.

* Because the originally proposed addition of three compressor units totalling 14,500 HP at its Blanco plant cannot be obtained from manufacturers in less than two years, El Paso now proposes to (1) convert six existing 1,000 HP gas engine driven reciprocating field compressors at its Blanco Field Plant, San Juan County, New Mexico, to transmission service, (2) replace the above field compressors with one 3400 HP and two 2000 HP units now in stock, (3) uprate by 1200 HP each, two existing 17,000 HP com-

ture and validity of their alleged rights may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The applications filed in Docket Nos. CP74-216, CP74-217, CP74-218, CP74-219, CP74-221, and CP74-228 are interrelated and should be consolidated for hearing and decision.

(3) It is necessary and appropriate that the proceedings in the consolidated docket be set for formal public hearing.

(4) The joint motion of the applicants should be granted as modified and conditioned by the terms of this order.

The Commission orders: (A) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene, and *provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The joint motion of the applicants is hereby granted as modified and conditioned by the terms of this order.

(C) Applicants and all supporting intervenors shall file testimony and exhibits comprising their cases in chief, inclusive of end use data, on or before September 16, 1974, unless such service has already been effected pursuant to Commission regulations.

(D) Pursuant to § 2.64(c) of the Commission's Regulations, the parties shall serve copies of their filings upon all intervenors promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on October 1, 1974, concerning the matters involved in and the issues presented by the applications in the consolidated docket.

(F) The record of these proceedings shall remain open until the submission of the Commission Staff's final environmental impact statement, and no initial decision shall be issued by the Administrative Law Judge until inclusion of the final environmental impact statement in the record and appropriate consideration thereof.

(G) The applications in the above-entitled dockets are hereby consolidated for hearing and decision.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18824 Filed 8-14-74; 8:45 am]

[Docket No. E-8815]

IOWA PUBLIC SERVICE CO.
Electric Wholesale Rates

AUGUST 9, 1974.

Iowa Public Service Company (IPS) on July 17, 1974, filed an application for reconsideration or rehearing of the Commission's order issued herein on June 28, 1974. That order accepted for filing and suspended IPS' proposed increased rates as to certain customers and rejected the proposed increased rates applicable to the Towns of Denver and Hudson, Iowa. With respect to Denver and Hudson, the Commission said:

We note that the proposed increase would be applicable to the Towns of Denver and Hudson. There are presently on file with the Commission contracts between IPS and these Towns which are fixed-rate, fixed-term contracts and which will not expire until 1976. The rate levels proposed herein may be above those levels permitted by these contracts and, under the rule in the *Mobile-Sierra* cases we must reject this unilaterally proposed increase as it would effect (sic) those customers. This is without prejudice to IPS' demonstrating to our satisfaction through further pleading that the rate levels proposed herein are lower than those contained in the fixed rate contracts.

IPS' application states that as shown in the appendix to its pleading, the rates as increased by the filing in this proceeding are still below the "fixed rates" in the contracts with Denver and Hudson. Upon a review of the data and computations thus submitted, it appears that IPS' application is correct. Accordingly, we shall modify our June 28 order so as to accept the rate filing with respect to the Towns of Denver and Hudson and suspend such increased rates and charges subject to hearing and further order, in all respects to be treated as though such increased rates and charges had not been rejected initially.

The Commission orders: (A) Our order issued herein on June 28, 1974, is hereby amended to provide that pending a hearing and a decision thereon, IPS' proposed changes in its rates and charges, with respect to the Towns of Denver and Hudson, Iowa, as tendered on May 29, 1974, are accepted for filing as of June 28, 1974, and suspended for the full statutory term and the use thereof deferred until November 28, 1974, or until they are made effective in the manner provided in the Federal Power Act.

(B) The hearing and hearing procedures prescribed in our order of June 28, 1974, are applicable to the rate schedule changes and the rates and charges filed by IPS on May 29, 1974, with respect to the Towns of Denver and Hudson.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18834 Filed 8-14-74; 8:45 am]

[Docket Nos. CI74-537, 538]

MARATHON OIL CO. AND PHILLIPS
PETROLEUM CO.
Extension of Time

AUGUST 9, 1974.

On July 24, 1974, Phillips Petroleum Company requested an extension of time within which to respond to our letter dated July 12, 1974, requesting information on the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including September 6, 1974, to comply with the above letter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18838 Filed 8-14-74; 8:45 am]

[Docket Nos. CI74-537, 538]

MARATHON OIL CO. AND PHILLIPS
PETROLEUM CO.
Application for Rehearing

AUGUST 9, 1974.

Our order issued June 21, 1974, in these proceedings¹ established, inter alia, an expedited hearing procedure to allow prompt resolution of jurisdictional and substantive issues raised by the joint proposal of Marathon Oil Company and Phillips Petroleum Company (Marathon and Phillips, hereafter occasionally referred to as Applicants) to sell volumes of liquefied natural gas (LNG) produced in Alaska to Northwest Natural Gas Company (Northwest Natural), an Oregon distributor. Noting, despite Applicants' arguments to the contrary, that numerous threshold and possibly precedent-setting jurisdictional issues are raised by Applicants' proposal, we required the filing of conditional applications or amendments to applications, as appropriate, covering each phase of the LNG project so that, in the event jurisdiction were found to attach to any portion of it, time would not be wasted by then requiring new applications and further hearings. Applicants now object to the prescribed procedure, and, in seeking rehearing of our June 21, 1974 order, request that we call for briefs on and resolve the jurisdictional issues raised here prior to requiring the filing of further conditional applications or amendments. Applicants maintain that their pleadings set forth sufficient facts to allow briefing the jurisdictional issues, but that they are willing to participate in a prehearing conference "for the purpose of stipulating facts necessary to determine the [jurisdictional] issues." Applicants claim that they are prepared to submit a proposed stipulation at the prehearing conference. They further request a phased proceeding, Phase I of which would address jurisdictional questions only, and Phase II of which would constitute the evidentiary

¹ "Order Granting Interventions, Consolidating Proceedings, Scheduling Formal Hearings, and Requiring The Filing of Conditional Applications and Amendments".

presentation on questions involving the public convenience and necessity.

Northwest Natural filed a "joinder" in Applicants' application for rehearing, raising similar arguments. Southern California Gas Company and Pacific Alaska LNG Company, (SoCal and PacAlaska) expressed by letter their general agreement with Applicants' proposal for phased proceedings, but contend that additional facts are necessary to permit argument on the jurisdictional issues. They do not object to a prehearing conference to explore the possibility of obtaining needed facts by stipulation. Should it prove impossible to obtain adequate facts by stipulation, however, SoCal and PacAlaska favor an evidentiary hearing for the development of necessary facts.

The People of the State of California and the Public Utilities Commission of the State of California (California) filed a response in opposition to the Phillips-Marathon Application for rehearing. California maintains that the jurisdictional issues raised here cannot be adequately briefed without a full evidentiary record and the opportunity for cross-examination concerning relevant facts; that Applicants' pleadings do not set forth sufficient facts to allow briefing legal issues; and that a prehearing conference would be inadequate for the purpose of resolving the jurisdictional issues here raised. California further states that it does not intend to waive its right to cross-examination regarding any facts presented in the proceedings.

California's response includes a petition for waiver of that portion of § 1.34 of the Commission's rules which specifies that "[n]o answers to petitions for rehearing will be entertained by the Commission." The language of § 1.34 is intended to prevent a deluge of pleadings and arguments concerning issues with which the Commission is already familiar, and we do not intend to thwart its future effectiveness by waiving the rule here. We shall, however, accept the comments of SoCal and PacAlaska, and California's response, to the extent they express the unwillingness of those parties to waive in advance their right to cross-examine witnesses concerning jurisdictional and other facts. The procedure hereafter prescribed will preserve for those parties their right to cross-examine witnesses, while alleviating for Applicants the burden of filing conditional applications and amendments prior to a jurisdictional ruling by the Commission.

Pursuant to Applicants' request, we shall separate these proceedings into two phases, and, to that extent, and as designated hereafter, their application for rehearing is granted. Phase I shall address all of the jurisdictional issues inherent in the project contemplated by Applicants' filing.² Phase II shall address all

remaining issues, including those concerned with the public interest acceptability of the project.

We shall further grant Applicants' request that jurisdictional issues be briefed and decided prior to requiring any additional applications. So that Phase I issues may be adequately briefed, Applicants shall submit, by the date hereafter specified, prepared testimony and supporting exhibits, as appropriate, and any proposed stipulation they may wish to sponsor, fully describing the proposed structuring of their project, and setting forth detailed facts to allow comprehensive briefing of jurisdictional issues. Applicants shall make witnesses available for cross-examination, on jurisdictional facts at a formal hearing we shall schedule in Phase I. Following presentation and cross-examination of Applicants' direct case and any answering or rebuttal presentations, the Presiding Administrative Law Judge assigned shall set dates for the filing of briefs addressed to jurisdictional issues. The Judge shall provide for the expeditious issuance of his initial decision on the jurisdictional issues of Phase I following the submission of briefs. No action shall be taken on the convening of hearings regarding the substantive issues of the case (Phase II) until further order of the Commission.

Late petitions to intervene have been filed in these dockets by the State of Alaska, Atlantic Richfield Company, El Paso Natural Gas Company, Intermountain Gas Company, San Diego Gas and Electric Company and Shell Oil Company. Each appears to have an interest in the proceeding as specified in their petitions. Since no hearing has yet been convened herein, granting the late petitions should prejudice no party.

The Commission finds: (1) It is necessary and appropriate in the public interest that the above-entitled proceedings be phased as designated in the body hereof.

(2) The public interest requires that a hearing be convened in Phase I of these proceedings to address jurisdictional issues raised by the instant project.

(3) It is appropriate in the public interest that the above-named petitioners be allowed to intervene in these proceedings.

The Commission orders: (A) The above-entitled proceedings are phased as designated in the body hereof.

(B) Pursuant to the Natural Gas Act, the Regulations under the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a formal hearing shall be convened in the above-named proceedings in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C., on September 16, 1974, concerning the issues raised in Phase I of the proceedings. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure. The Administrative Law Judge assigned shall preside over the taking of evidence as designated in the body hereof, set dates for the filing of

briefs addressed to Phase I issues, and render an initial decision on those issues pursuant to expedited scheduling. No hearings shall be convened on any substantive issues reserved for Phase II prior to further order of the Commission.

(C) Applicants shall file evidence concerning Phase I issues, as specified in the body hereof, on or before August 21, 1974. Following presentation and cross-examination of Applicants' direct case, the Presiding Administrative Law Judge shall then set dates for the filing and cross-examination of answering and rebuttal testimony, if any.

(D) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18825 Filed 8-14-74; 8:45 am]

[Docket No. RP73-102]

MICHIGAN-WISCONSIN PIPE LINE CO.

Application for Modification

AUGUST 12, 1974.

By order of June 26, 1974, the Commission, among other things, approved a settlement as to most of the issues arising from a jurisdictional rate increase proposed by Michigan-Wisconsin Pipe Line Company (Mich-Wis) in Docket No. RP73-102. In proposing the settlement, the parties had, by agreement, submitted additional testimony and waived initial decision as to the propriety of the inclusion in Mich-Wis' cost of service of \$1,050,000 of delay rental payments related to a coal gasification program. The Commission, in its June 26 order approving the settlement, rejected the inclusion of these payments, indicating its concern that there was no adequate assurance that Mich-Wis will ever mine the coal or gasify it and that the benefit would be too far removed from the cost proposed to be borne by the natural gas consumer. We indicated our belief that an analogy advanced by Mich-Wis between the proposal and the Commission's approved advance payments program was, for this reason, inappropriate.

On July 8, 1974, Mich-Wis filed an Application For Modification of the June 26 order. Therein, Mich-Wis proposes an agreement and undertaking designed to meet the Commission's concerns as expressed in the order. Mich-Wis agrees that if the Commission will modify its order of June 26, 1974, to authorize the inclusion in Mich-Wis' cost of service of

² It should be emphasized that the list of jurisdictional issues set forth in our June 21, 1974, order is not intended to be complete or exhaustive, but is merely representative of issues which may be added to or further refined by the parties.

the delay rental payments for coal associated with the proposed coal gasification program, Mich-Wis will undertake what it views as the same obligation with respect to the delay coal rental payments as that provided under the outstanding Commission orders with respect to advance payments. More specifically, if five years elapse from the time the coal payments are included in Mich-Wis' cost of service and during such time coal gas deliveries for the benefit of Mich-Wis' customers have not commenced, Mich-Wis, at the end of the five-year period, will make a jurisdictional rate adjustment reflecting the exclusion of such payments and will refund with interest revenues collected as a result of the inclusion of such payments in its cost of service.

Mich-Wis filed concurrently with its Application revised tariff sheets¹ in purported compliance with the Commission's order approving the settlement and alternate revised tariff sheets which are also purported to reflect the order except that the delay coal rental payments have been included. A revised research and development adjustment provision conforming to the directives of the Commission's settlement order was also included in the filing. Mich-Wis requests that the Commission modify its order of June 26 to authorize the inclusion of the delay coal rental payments in Mich-Wis' cost of service and accept the alternate revised tariff sheets for filing.

The advanced payment program was instituted for the purpose of stimulating activity toward increasing the supply of natural gas in the interstate market, and the program entails, essentially, the payment by the pipeline ratepayers of the carrying charges on loans advanced by the pipeline to producers so as to provide additional capital for exploration. While the Mich-Wis agreement proposed herein would incorporate an obligation with respect to the delay coal rental payments similar to that provided under the outstanding Commission orders with respect to advance payments, the analogy between the two fails in other respects, and there further remains a fundamental difficulty with the cost-benefit relationship in the delay coal rental proposal. Under the proposal, the ratepayers would pay in advance part of the costs of a coal gasification program which costs would otherwise be capitalized to that program and recouped through the rates charged for the gas produced. The ratepayers are not here being asked to pay the carrying charges on a loan. Rather the ratepayer would pay in advance part of the cost of production while no provision is made to credit the payment of these expenses to the price of the gas produced. Thus, the analogy fails and the "benefit" to the ratepayer remains incomplete. Even if a workable crediting provision could be proposed, we are not at this time inclined, as a matter of policy, to permit the ad hoc inclusion in pipeline costs of service of expenses which would other-

wise be capitalized to a planned coal gasification project. We note, in this regard, that the presently effective advance payment program was the product of full rulemaking proceedings in which comments from interested parties could be carefully evaluated and consistent standards could be developed applicable to all pipelines rendering advance payments. For the foregoing reasons, we shall reject Mich-Wis' alternate revised tariff sheets.

With respect to the revised tariff sheets (which do not include delay coal rental payments), we note that these sheets reflect a purchased gas adjustment increase effective May 1, 1974 and the rate impact of additional advance payments proposed to be effective February 1 and May 1, 1974. Our review indicates that the additional advance payments may not be reasonable and appropriate for rate base treatment in that they may be in excess of the cost of exploration, development and production incurred by the producers within a reasonable time from the date such amounts are included in rate base. The rates proposed in the revised tariff sheets, to the extent that they reflect these advance payments, may not be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Mich-Wis' settlement provides that advance payment trackings cannot be suspended, but can be made subject to refund. We shall therefore accept the revised tariff sheets and place them in effect on their proposed effective dates, but subject to refund with respect to the advance payments, and set the matter of the propriety of the inclusion in the rates of these additional advance payments for hearing. We note that a hearing schedule is presently established in this docket for the resolution of certain issues remanded for initial decision by the June 26 settlement order. In the interest of expediting the resolution of all of the issues in this docket, we shall direct that the question of the propriety of the advance payments be considered along with the other issues presently set for hearing. This will require, and we shall so order, a modest adjustment to the present hearing schedule.

The Commission finds: (1) Mich-Wis' Application For Modification filed July 8, 1974 does not provide an adequate basis for modification of the Commission's order of June 26, 1974, and should be denied.

(2) Mich-Wis' alternate revised tariff sheets filed July 8, 1974, should be rejected.

(3) Mich-Wis' revised research and development adjustment provision filed on July 8, 1974, should be accepted for filing to be effective as of November 1, 1973.

(4) Mich-Wis' revised tariff sheets, other than those designated in finding paragraph 3, filed on July 8, 1974, should be accepted for filing to be effective as of their proposed effective dates with those sheets reflecting additional advance pay-

ments made subject to refund pending conclusion of a hearing.

(5) Good cause exists to set for hearing the question of the propriety of the reflection in Mich-Wis' rates of additional advance payments proposed by Mich-Wis to be effective as of February 1, 1974, and May 1, 1974.

(6) Good cause exists to modify the procedural schedule established by the Commission order of June 26, 1974, as such schedule has been later amended, to permit the consideration of the advance payment issue with the other issues set for hearing in Docket No. RP73-102, as hereinafter ordered.

The Commission orders: (A) Mich-Wis' Application For Modification filed July 8, 1974, is denied.

(B) Mich-Wis' alternate revised tariff sheets filed July 8, 1974, are rejected.

(C) Mich-Wis' revised research and development provision filed July 8, 1974, is accepted for filing to be effective as of November 1, 1973.

(D) Mich-Wis' revised tariff sheets, other than those designated in ordering paragraph C, filed on July 8, 1974, are accepted for filing to be effective as of their proposed effective dates with those sheets reflecting additional advance payments made effective as of February 1, 1974 and May 1, 1974, subject to refund pending the conclusion of the hearing hereinafter ordered.

(E) The hearing established by ordering paragraphs (G) and (H) of the Commission's June 26, 1974 order in this docket shall concern, in addition to those issues as specified in the June 26, 1974, order, the propriety of the reflection in Mich-Wis' rates of the additional advance payments.

(F) The procedural schedule established by ordering paragraphs (H) and (I) of the Commission's order of June 26, 1974, as such schedule has been later amended, shall be further modified as hereinafter ordered.

(G) A public hearing concerning all issues in Docket No. RP73-102 shall be held commencing October 22, 1974, at 10:00 A.M., in a hearing room of the Federal Power Commission.

(H) On or before August 30, 1974, Mich-Wis and interested intervenors shall serve any additional testimony they may wish to present concerning the questions remanded for further proceedings by the Commission's June 26, 1974 order, and Mich-Wis shall serve its testimony with regard to the advance payment issue set for hearing herein. On or before September 30, 1974, the Commission Staff shall serve its prepared testimony and exhibits on all issues. Any rebuttal evidence by Mich-Wis or the Intervenor shall be served on or before October 9, 1974.

(I) With respect to the issues set for hearing by the Commission's June 26, 1974, order, the directives contained in ordering paragraph (J) of that order shall remain in effect.

(J) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

¹ See Appendix.

By the Commission: Commissioner Brooke, dissenting, filed a separate statement appended hereto.²

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX—MICHIGAN WISCONSIN PIPE LINE Co.

TARIFF SHEETS TO REFLECT STIPULATION AND AGREEMENT AT DOCKET NO. R-73-102

Tariff Sheets and Effective Date

FPC Gas Tariff, Second Revised Volume No. 1.

Second Substitute Fifth Revised Sheet No. 27F, November 1, 1973.

Third Substitute Fifth Revised Sheet No. 27F, February 1, 1974.

Substitute Sixth Revised Sheet No. 27F, May 1, 1974.

Original Sheet No. 27E(I), June 26, 1974.

Original Sheet No. 27E(II), June 26, 1974.

Original Sheet No. 27E(III), June 26, 1974.

FPC Gas Tariff, First Revised Volume No. 2.

Substitute Fifth Revised Sheet No. 92, November 1, 1973.

Substitute Fifth Revised Sheet No. 110, November 1, 1973.

Substitute Fifth Revised Sheet No. 129, November 1, 1973.

Substitute Fifth Revised Sheet No. 130, November 1, 1973.

Substitute Fourth Revised Sheet No. 141, November 1, 1973.

Substitute Fourth Revised Sheet No. 142, November 1, 1973.

Substitute Fourth Revised Sheet No. 171, November 1, 1973.

Substitute Second Revised Sheet No. 214, November 1, 1973.

Substitute Second Revised Sheet No. 215, November 1, 1973.

Substitute First Revised Sheet No. 231, November 1, 1973.

Substitute First Revised Sheet No. 232, November 1, 1973.

Substitute First Revised Sheet No. 297, November 1, 1973.

Substitute First Revised Sheet No. 315, November 1, 1973.

First Revised Sheet No. 339, November 1, 1973.

[FR Doc.74-18816 Filed 8-14-74; 8:45 am]

[Docket No. E-7788]

MINNESOTA POWER & LIGHT CO.

Supplemental Application

AUGUST 9, 1974.

Take notice that on July 31, 1974, Minnesota Power & Light Company (Applicant) filed a supplemental application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the Company to enter into a Supplemental Guaranty Agreement with the Trustee of Pollution Control Revenue Bonds to be issued by the Village of Cohasset, Minnesota, in the principal amount of \$8,000,000 (additional Bonds), making an aggregate of \$23,000,000 principal amount of Bonds authorized to be guaranteed by the Company. The additional Bonds will be sold by the Village as soon as possible after obtaining approval of this Guaranty.

² Filed as part of original document.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business at Duluth, Minnesota, and is engaged in the electric utility business within the State of Minnesota.

The additional Bonds of the Village will be sold to purchase pollution abatement equipment at Minnesota Power & Light Company's Clay Boswell Steam Electric Generating Station adjacent to Cohasset, Minnesota, which installation is expected to be completed in 1974. Said equipment will be leased by the Village to the Applicant and payments under said Lease will be sufficient to pay principal, premium, if any, and interest due on said additional Bonds. The additional Bonds will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the additional Bonds between the Village and the Underwriters.

The authorization sought is for Applicant to issue a supplemental independent Guaranty to the Trustee for the benefit of the holders of the additional Bonds of payment of principal, premium, if any, and interest on said additional Bonds. No payments will be required under the Guaranty if all payments are made pursuant to the Lease.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18827 Filed 8-14-74; 8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Designation of Additional Member

AUGUST 12, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

2. Membership: An additional member of the Technical Advisory Committee on Conservation of Energy, as selected by the Chairman of the Commission, with the approval of the Commission is as follows:

Roger W. Sant, Assistant Administrator Designate, Conservation and Environment, Federal Energy Administration.

Mr. Sant replaces Mr. Eric Zausner.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18841 Filed 8-14-74; 8:45 am]

[Docket No. R-389-B]

NATURAL GAS SALES

Reasonable Rates

AUGUST 12, 1974.

The order issued August 2, 1974, in this proceeding should be amended to enjoin and authorize parties having common cause or interests to combine where feasible to make a joint presentation during the oral argument scheduled to take place on August 22 and 23, 1974, as provided in said order.

Consequently, we shall amend the order of August 2, 1974, so that parties may combine or group themselves to make a joint rather than several arguments.

The Commission orders: The order issued August 2, 1974, in this proceeding is amended by adding a new ordering paragraph (D) thereto to read as follows:

(D) Such parties desiring to present oral argument who have common cause or interests or have reason to believe their presentations will be substantially similar, may combine or so group themselves to make a joint presentation during the oral argument, and may make their requests for an allotment of time accordingly.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18817 Filed 8-14-74; 8:45 am]

[Docket No. E-8819]

NIAGARA MOHAWK POWER CORP.

Amendment to Transmission Agreement

AUGUST 9, 1974.

Niagara Mohawk Power Corporation (Niagara) on May 28, 1974, tendered for filing a letter agreement dated March 1, 1974 which constitutes an amendment to the transmission agreement dated July 21, 1966 between Niagara and New York State Electric & Gas Corporation (NYSE&G) which is on file with the Commission as Niagara's Rate Schedule FPC No. 51, with Supplements Nos. 1, 3 and 4 currently in effect.

Niagara states that the supplementary agreement filed herewith is for the purpose of amending the rate schedule to reflect the deletion of two existing points of interconnection which will no longer be subject to transmission charges. Currently effective Supplement No. 3 would be cancelled in its entirety. Revised Appendices Nos. 1, 2 and 3 to the rate schedule are included in the amendment. Niagara

ara requests waiver of prior notice provisions.

(No statement of service of copies of the filing, pursuant to §§ 35.13(a) and 1.17(b), and no proposed notice for publication in the FEDERAL REGISTER, pursuant to § 35.8(a) of the Commission's regulations under the Federal Power Act, were included in the filing.)

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20423, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-18826 Filed 8-14-74; 8:45 am]

[Docket No. CP75-18]

NORTHWEST PIPELINE CORP.

Notice of Application

AUGUST 6, 1974.

Take notice that on July 18, 1974, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-18 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of additional volumes of natural gas to certain of its customers, to be received from Washington Natural Gas Company (Washington Natural) as operator of the Jackson Prairie Storage Project (Jackson Prairie), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to increase the presently authorized maximum daily volume sale and delivery of gas received from Jackson Prairie from 240,000 Mcf to 300,000 Mcf for the period October 16, 1974, through April 15, 1975. Further, Applicant seeks authorization to increase the total seasonal quantity from a presently authorized volume of 7,600,000 Mcf to 8,500,000 Mcf for a period from each October 16 through the next succeeding April 15. The application states that the increased daily volume of 60,000 Mcf will be on a best efforts basis by Applicant and Washington Natural and, therefore, will only be made available when they, in their judgment, can make such additional deliverability available. Applicant proposes to inject, during the forthcoming off-peak months the presently authorized seasonal withdrawal volume of 7,600,000 Mcf of gas plus an

additional 2,000,000 Mcf of gas representing an increase of 1,100,000 Mcf of cushion gas and 900,000 Mcf of working gas. Applicant states that it will, to the extent necessary, curtail the delivery of volumes of interruptible gas to assure the

availability of full storage service at the outset of the 1974-75 heating season.

As a result of the instant proposal, Applicant states that its contract demand and seasonal allocations under its Rate Schedule SGS-1 will be as follows:

Customer	Current allocations, Mcf		Proposed allocations, ¹ Mcf	
	Contract demand	Seasonal quantity	Contract demand	Seasonal quantity
California-Pacific Utilities Co.	3,168	100,324	3,168	112,200
Cascade Natural Gas Co.	25,657	812,476	25,657	908,650
Intermountain Gas Co.	18,405	582,819	18,405	651,950
Northwest Natural Gas Co.	32,418	1,026,552	24,447	865,866
Peoples Natural Gas Division of Northern Natural Gas Co.	352	11,162	352	12,467
Southwest Gas Co. (Southwest)			7,971	282,200
Washington Natural Gas Co. and Washington Water Power Co. jointly	160,000	5,066,667	160,000	5,666,667
Total	240,000	7,600,000	240,000	8,500,000

¹ Exclusive of the 60,000 Mcf of gas per day additional deliverability proposed herein.

² Applicant states that Southwest has requested storage service for the 1974-75 heating season and thereafter, and the allocation to Southwest has previously been agreed to by the other storage customers.

Applicant proposes to allocate the 60,000 Mcf of additional deliverability as follows:

PROPOSED ALLOCATION		Additional best efforts deliverability
Customers:		
California-Pacific Utilities Co.	1,465	
Cascade Natural Gas Co.	9,255	
Intermountain Gas Co.		
Northwest Natural Gas Co.	12,840	
Peoples Natural Gas Division of Northern Natural Gas Co.	250	
Southwest Gas Co.		
Washington Natural Gas Co. and Washington Water Power Co. jointly	36,190	
Total	60,000	

Applicant states that the additional deliverability will not affect the total seasonal quantity allocated to the various customers but will make available on a best efforts basis additional daily volumes to those storage customers desirous of such service. Applicant adds that the proposed additional seasonal volumes and additional deliverability have been agreed upon between Applicant and its customers.

Applicant states that the additional peak day supply will be used to offset partially the curtailment of Applicant by its major gas supply source from Canada and will not be utilized to make new or additional gas sales. Applicant further states that effecting the sale and delivery of the proposed additional volumes will require neither additional facilities nor any significant increase in Applicant's costs.

Any person desiring to be heard or to make any protests with reference to said application should on or before August 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the

proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-18593 Filed 8-14-74; 8:45 am]

[Docket No. E-8822]

OKLAHOMA GAS AND ELECTRIC CO.

Electric Service Agreement

AUGUST 9, 1974.

Oklahoma Gas and Electric Company (OG&E) on May 30, 1974, tendered for filing an Agreement for Electric Service, dated May 5, 1974 between OG&E and Arkansas Valley Electric Cooperative Corporation (Coop). The Agreement provides for service at the East Ozark point of delivery commencing June 15, 1974 or on the date the facilities for furnishing the service are placed in service. Billing for the services rendered will be under OG&E's Rural Cooperative Rate PN-2, its standard wholesale service-rate schedule for all Rural Electric

Cooperatives. OG&E indicates that copy of the filing has been mailed to Coop.

(No proposed notice for publication in the FEDERAL REGISTER, pursuant to § 35.8(a) of the Commission's regulations under the Federal Power Act, is included in the filing.)

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18821 Filed 8-14-74; 8:45 am]

[Project No. 1894]

SOUTH CAROLINA ELECTRIC & GAS CO. Withdrawal of Intervention

AUGUST 9, 1974.

On July 26, 1972, South Carolina Electric & Gas Company (Applicant) of Columbia, South Carolina, filed an amended application for new license requesting: (1) a new license under section 15 of the Federal Power Act (Act) for the existing 14.9 megawatt (mW) Parr Hydroelectric Project No. 1894, (2) authorization to construct a 518.4 mW pumped storage development (Fairfield Pumped Storage Facility) which would utilize the enlarged Parr Reservoir as the lower pool, and (3) authorization to use the upper pool (Monticello Reservoir) of the Fairfield facility as a cooling impoundment for a proposed 900 mW nuclear steam-electric generating facility, known as Unit 1 of the V. C. Summer Nuclear Complex, for which a construction permit was issued by the Atomic Energy Commission in A.E.C. Docket No. 50-395 on March 21, 1973.

This amended application supersedes parts of the original new license application for the existing hydroelectric project filed June 19, 1969, and amended February 27 and November 16, 1970, as well as parts of a subsequent application filed September 30, 1971, and revised March 1, 1972, which embraces the concept of project redevelopment to include the Fairfield Facility and the use of water from the Monticello Reservoir for cooling purposes in connection with the V. C. Summer Nuclear Complex. Public notice of the June 19, 1969, new license application was issued January 14, 1971, with March 3, 1971, as the last day for filing protests or petitions to intervene. Notice was published in the FEDERAL REGISTER on January 23, 1971 (36 FR 1171). No protests or petitions

to intervene were filed in response to such notice. Public notice of the amended application was issued November 1, 1972, with January 8, 1973, as the last day for filing protests or petitions to intervene. Notice of the amended application was published in the FEDERAL REGISTER on November 8, 1972 (37 FR 23750).

Petitions to intervene out-of-time were tendered for filing by Robert A. and Martha M. Westbrook on April 9, 1973, as amended August 3, 1973, and by W. R. Robinson on March 6, 1974. The petitioners are owners of land, some of which will have to be acquired if the project is built. They request that a hearing be held to consider the issues raised by their pleadings. By Orders issued October 4, 1973, and April 23, 1974, the respective petitions to intervene were accepted for filing and granted, with this Commission reserving for future consideration the question of a hearing.

Subsequently, on July 30, 1974, counsel for W. R. Robinson informed the Commission by letter that a settlement had been negotiated with the company and requested that the petition to intervene be withdrawn.

Notice of Availability of Commission Staff's Draft Environmental Impact Statement was issued on August 31, 1973, and published in the FEDERAL REGISTER on September 7, 1973 (38 FR 24418). Notice of availability of Commission staff's final environmental impact statement was issued on March 13, 1974, and published in the FEDERAL REGISTER on March 20, 1974 (39 FR 10486). On March 20, 1974, 10 copies of the staff's final environmental impact statement were transmitted to the Council on Environmental Quality.

We believe a hearing should be held on the issues raised in the petition to intervene heretofore filed by Robert A. and Martha M. Westbrook. Therefore, we are providing for a pre-hearing conference and hearing pursuant to the provisions of §§ 1.18 and 1.20 of the Commission's rules of practice and procedure, 18 CFR 1.18 and 1.20 (1974).

Since this application involves substantial new generating capacity, it is our desire that the hearing be expedited as much as possible consistent with due process.

The Commission finds: (1) It is appropriate and in the public interest to hold a pre-hearing conference and hearing as hereinafter provided, respecting the issues presented in the petition to intervene filed by Robert A. and Martha M. Westbrook.

(2) Petitioner W. R. Robinson should be permitted to withdraw his intervention.

(3) The Administrative Law Judge should develop a full and complete record of evidence bearing on the application, but in order to expedite the hearing, he should provide opportunity for cross-examination only in those areas where a party, including Commission Staff Counsel, gives notice at the pre-hearing conference of its desire to cross-examine

witnesses in specific areas or on specific questions of fact.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., respecting the matters involved and the issues presented in the petition to intervene filed by Robert A. and Martha M. Westbrook.

(B) Counsel for the Applicant, the Intervenor and Commission Staff shall by August 30, 1974, serve on each other and the Administrative Law Judge a detailed statement of facts together with proposed findings of facts.

(C) A pre-hearing conference pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, 18 CFR 1.18 (1974), shall be held in a hearing room of the Federal Power Commission at 10 a.m. on September 10, 1974. Counsel for the Applicant, the Intervenor and Commission Staff shall be prepared to state at the prehearing conference which statements of fact and proposed findings of fact they intend to dispute and in which areas they wish to cross-examine witnesses.

(D) The Presiding Administrative Law Judge shall set a schedule for the filing of evidence to be made a part of the record to support all proposed findings of fact not disputed or controverted by counsel for any of the parties or Commission Staff Counsel.

(E) The Presiding Administrative Law Judge shall set a schedule for service of prepared direct testimony and appearance of witnesses to support all controverted statements of fact and proposed findings. After completion of cross-examination of such witnesses, opportunity for rebuttal testimony shall be provided in either written or oral form at the discretion of the Administrative Law Judge.

(F) Only upon good cause shown, which must include a showing of the reasons a party has not previously raised an issue, the Presiding Administrative Law Judge may, in his discretion, permit a party to raise new controverted issues and request cross-examination of witnesses thereon.

(G) Intervenor W. R. Robinson is hereby permitted to withdraw his intervention.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18822 Filed 8-14-74; 8:45 am]

[Project No. 298]

SOUTHERN CALIFORNIA EDISON CO. Issuance of Interim License

AUGUST 8, 1974.

On May 2, 1973, Southern California Edison Company, Licensee for Kaweah

Project No. 298, located on the Kaweah River in Sequoia National Park, Tulare County, California, filed an application for a new license under the Federal Power Act (16 U.S.C. § 791 et seq.) and Commission regulations thereunder (Part 4 and §§ 16.12-16.13).

The license for Project No. 298 was issued effective August 7, 1974 for a period ending August 8, 1974. In order to authorize continued operation of the project pursuant to section 9(b) of the Administrative Procedure Act (5 U.S.C. § 558(c)) pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an interim license to Southern California Edison Company for continued operation and maintenance of Kaweah Project No. 298.

Take notice that an interim license is issued to Southern California Edison Company (Licensee) under section 9(b) of the Administrative Procedure Act for the period August 9, 1974, to August 8, 1975, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Kaweah Project No. 298, subject to the terms and conditions of its present license.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18835 Filed 8-14-74;8:45 am]

[Docket No. CI72-662, etc.]

SUN OIL CO. ET AL.

Termination of Proceedings; Correction

JULY 30, 1974.

In the notice of termination of certificates issued June 28, 1974, and published in the FEDERAL REGISTER on July 9, 1974, 39 FR 25255, Page 25255: After "CI74-695 Inexco Oil Company" add "CI74-697 Rains & Williamson", Page 25255: Delete "CI74-704 Phillips Petroleum Company", and Page 25256: After "CI74-712 Monsanto Company" add "CI74-714 Blaine Dunbar".

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-18836 Filed 8-14-74;8:45 am]

TENNESSEE GAS PIPELINE CO.

[Docket Nos. RP73-114, RP74-24, and RP74-73]

Rehearing Amending Prior Order

AUGUST 9, 1974.

On July 25, 1974, Tennessee Gas Pipeline filed herein an application for clarification, reconsideration, or rehearing of the Commission's order issued in these dockets on June 28, 1974. Insofar as is pertinent to the application, the June 28 order suspended Tennessee's proposed PGA tracking rate increase for one day and permitted it to become effective thereafter on July 2, 1974, subject to refund. The suspension was based upon the fact that Tennessee's requested rate in-

crease was premised, in part, on small producers' and emergency purchases at rates which might be excessive.

Tennessee points out that of the total PGA increase of 3.75 cents per Mcf, only about .19 cents per Mcf is predicated upon small producer and emergency purchases. It is Tennessee's position that only the .19 cents per Mcf related to small producer and emergency purchases should be subject to refund, and that the remaining portion of the increase should be released from suspension and refund obligation.

Tennessee's arguments are persuasive, and its request for relief will accordingly be granted.

The Commission orders: (A) Within 15 days from the date of this order, Tennessee shall file substitute revised tariff sheets incorporating that portion of its PGA rate adjustment reflecting purchased gas costs other than those related to small producer or emergency purchases, to be effective July 1, 1974, without refund obligation.

(B) In all other respects the order of June 28, 1974, shall remain in full force and effect.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18832 Filed 8-14-74;8:45 am]

[Docket No. E-8619]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Extension of Time and Postponement of Hearing

AUGUST 9, 1974.

On July 30, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued April 19, 1974, in the above-designated matter. The motion states that there is no objection to the motion by any of the parties.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by Staff, September 16, 1974.

Intervener's Evidence, September 30, 1974.

Service of rebuttal evidence by Company, October 14, 1974.

Hearing, October 29, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-18839 Filed 8-14-74;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Committee Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, September 5, 1974
Thursday, September 12, 1974
Thursday, September 19, 1974
Thursday, September 26, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing
Rate Advisory Committee.

AUGUST 12, 1974.

[FR Doc.74-18762 Filed 8-14-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 2, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5300.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of a change to Schedule 70C of Annual Report Form M to change and widen the range of hourly

wage categories from 15 to 19; respondents affected are 66 telephone companies; frequency is annual; estimated increase in burden is minimal.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc. 74-18844 Filed 8-14-74; 8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. H-14]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to outlease oil and gas deposits in the lands of the Sioux Army Depot, Sidney, Nebraska; Perrin Air Force Base, Grayson County, Texas; and Camp Wallace, Hitchcock, Texas.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Background.* GSA canceled a sale of minerals in the lands of the Sioux Army Depot at the request of the Department of the Interior. Pursuant to discussions concerning the disposition of minerals, GSA and the Department of the Interior prepared a joint letter to the Office of Management and Budget (OMB) requesting advice as to whether the Administration's policy is to lease or sell Federal mineral deposits. OMB advises that Administration policy is to give preference to leasing mineral deposits for exploration and production. It is considered that the best interest of the Government would be served by GSA's delegating authority to the Department of the Interior to lease the oil and gas deposits in these properties since the Department of the Interior has expertise and experience in the development and leasing of such deposits.

4. *Delegation.* a. Pursuant to the authority vested in me by sections 203 and 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484, 486(d)), authority is delegated to the Secretary of the Interior to lease the oil and gas deposits at (1) Sioux Army Depot, Sidney, Nebraska (GSA No. D-NEBR-447-F); (2) Perrin Air Force Base, Grayson County, Texas (D-TEX-540-V); and (3) Camp Wallace, Hitchcock, Texas (GR-TEX-642). When the Department of the Interior has completed the disposal of all the oil and gas that is commercially saleable, it shall notify GSA that the project has been completed.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. This authority shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, the Department of the Interior, as the disposal agency, shall be

responsible for (1) securing in accordance with FPMR 101-47.202-4 any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate; and (4) ensuring that lands that are disturbed or damaged are restored after removal of the oil and gas is completed.

d. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (PK), Washington, DC 20405.

ARTHUR F. SAMPSON,
Administrator of General Services.

AUGUST 7, 1974.

[FR Doc. 74-18796 Filed 8-14-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 12, 1974 (44 USC 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service: Survey of Pecan Shellers and Processors. Form ----, Single Time, Lowry, Pecan Shellers and Processors, Farmers Home Administration: Request for Contract of Guarantee (Emergency Livestock Loan), Form FmHA 449-25, Occasional, Lowry, Lenders in Rural Areas.

DEPARTMENT OF COMMERCE

Bureau of the Census: Census of Companies Industrial Cooperation Arrangements in Eastern Europe, Form DIB-692P, DIB-693P, Single Time, Weiner/Lowry, Major International Corporations.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental: State/Local Referral Agency Reporting Form, Form ----, Monthly, Lowry, State and Local Agencies.

DEPARTMENT OF THE TREASURY

U.S. Customs Service: Manifest of Baggage Shipped in Bond, Form 7520, Occasional, Caywood, Commercial Air and Rail Carriers.

REVISIONS

DEPARTMENT OF AGRICULTURE

Economic Research Service: (1) Ginning Charges and Related Data, (2) Seed Cotton and Lint Weights, Forms ERS-46, ERS-45, Annual, Lowry, Cotton Gins.

TENNESSEE VALLEY AUTHORITY

Land Use Survey: Form, Single Time, Lowry, Farm Operators along Bear Creek and Floodway.

VETERANS ADMINISTRATION

State Nursing Home Project: Construction Application, Parts I-IV, Form 10-1161, Occasional, Lowry, State Agencies.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Manufacturers' Shipments, Inventories and Orders (Pilot Test of Supplemental Sample), Form M3-1A, M3-1B, Monthly, Weiner, Manufacturing Companies.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration: Agency Reporting System, Form HRANCHS 0722, Annual, Lowry, New inpatient health facilities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental: Housing Allowance Supply Experiment Survey of Landlords, Form ----, Annual, Evinger, Owners of Real Estate in two SMSA's.

Housing Allowance Supply Experiment Survey of Tenants and Homeowners: Form ----, Annual, Evinger, Households in two sample SMSA's.

SMITHSONIAN INSTITUTION

An Analysis of Visitor Attendance Patterns and Opinions at the National Zoological Park: Form SI-2578, Occasional, Planchon, Visitors to National Zoological Park.

NATIONAL SCIENCE FOUNDATION

Science Development Grant Report Forms: Form ----, Annual, Evinger, Science Development Grants.

SELECTIVE SERVICE SYSTEM

Amendment to Order to Report for Alternate Service: Form SSS 153-A, Occasional, Evinger, Employers Accepting I-O Registrants.

Application for Voluntary Induction: Form SSS 254, Occasional, Evinger, SSS Registrants.

Application for Volunteer for Alternate Service: Form 151, Occasional, Evinger, I-O Registrants.

Availability of Registrants: Form SSS 117, Monthly, Evinger, Selective Service Employees.

Conscientious-Objector Skills Questionnaire: Form SS 152, Occasional, Evinger, Conscientious Objectors.

Employer's Statement of Availability of Job as Alternate Service: Form SSS 156, Occasional, Evinger, SSS Registrants.

Form for Minister of Religion: Form SSS 175, Occasional, Evinger, SSS Registrants.

Form for Registrant with Court Record: Form SSS 173, Occasional, Evinger, SSS Registrants.

Form for Surviving Son: Form SSS 174, Occasional, Evinger, SSS Registrants.
 Graduate or Professional College Student Certificate: Forms SSS 103 and 103A, Occasional, Evinger, Universities.
 Induction & Medical Determinations (Excluding Medical Specialist): Form SSS 205, Monthly, Evinger, SSS Employees.
 Monthly Activities Report of Class IW Registrants: Form SSS 158, Monthly, Evinger, SSS State Headquarters.

SELECTIVE SERVICE SYSTEM

Monthly Report of Availability of Class I-O Registrants: Form SSS 157, Monthly, Evinger, SSS State Headquarters.
 Notice of Confinement or Release, from Confinement: Form SSS 305, Occasional, Evinger, Wardens of Federal or State Prisons.
 Request for Relief From Training & Service in the Armed Forces of the United States: Form SSS 130, Occasional, Evinger, Allens.
 Special Form for Alien or Dual National: Form SSS 131, Occasional, Evinger, Allens Claiming Dual Nationality.
 Special Form for Conscientious Objector: Form SSS 150, Occasional, Evinger, Registrants.
 Special Form for Divinity Student: Form SSS 172, Occasional, Evinger, Divinity Students.
 Student Certificate: Forms SSS 109 and 109A, Occasional, Evinger, Schools and Universities.
 Transfer for Armed Forces Examination: Form SSS 230, Occasional, Evinger, SSS Registrants.

VELMA N. BALDWIN,
 Assistant to the Director
 for Administration.

[FR Doc.74-18906 Filed 8-14-74; 8:45 am]

POSTAL SERVICE

POSTAL SERVICE ADVISORY COUNCIL Notice of Meeting

Notice is hereby given that a meeting of the Postal Service Advisory Council will be held on Monday, September 9, 1974, in room 10374 of the U.S. Postal Service Headquarters building at 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

The Postal Service Advisory Council was established by 39 U.S.C. 206, which provides that "(t)he Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations."

The meeting has been called for consideration by the Council of the role of the Advisory Council. The meeting is open to the public. Persons wishing to be present or to obtain further information on this meeting should contact Mrs. Rita Moroney, Office of the Postmaster General, room 10171, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. Mrs. Moroney's telephone number is 202 245-5343.

ROGER P. CRAIG,
 Deputy General Counsel.

[FR Doc.74-18721 Filed 8-14-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3993]

ACME INTERNATIONAL CORP.

Order Temporarily Suspending Exemption

AUGUST 6, 1974.

I. Acme International Corporation, Suite 1700, 445 South Figueroa Street, Los Angeles, California 90017 ("Acme"), incorporated in the State of Nevada on July 22, 1969, filed with the Commission on February 26, 1973, a Notification on Form 1-A and an Offering Circular relating to an offering of 200,000 shares of \$.50 par value common stock at \$2.50 per share. The aggregate offering price was \$500,000. The filing was made for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to Section 3(b) thereof and Regulation A thereunder. Koss Securities Corp. ("Koss"), a registered broker-dealer, having its principal place of business at 1266 East 24th Street, Brooklyn, New York 11210, was named as underwriter of the proposed offering.

II. The Commission on the basis of information provided by its staff, has reason to believe that:

A. The notification and offering circular of Acme contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading particularly with respect to:

1. The failure to disclose the activities of the parent corporation, Acme, between July 23, 1970, when the current management acquired control of Acme Mining Co., and January 11, 1972, when Acme Mining Co. was merged into the Issuer;

2. The failure to disclose the reasons for the January 11, 1972, merger of Acme Mining Company and Acme International;

3. The failure to disclose in the Risk Factors section of the Offering Circular all the special risks apparent in the nature and structure of the business of Wall Street Data Sciences ("Wall Street Data") and Western Cryogenics, the two subsidiaries of Acme.

4. The failure to disclose the origin of Wall Street Data and its history, ownership and management prior to its merger with Acme;

5. The failure to describe the business and operations of the Wall Street Data subsidiary.

6. The failure to disclose the extent of dependence of Wall Street Data upon any one customer or group of customers for a significant portion of its revenues;

7. The failure to disclose the names of the parties with whom Wall Street Data has oral agreements to acquire 18 additional mailing lists;

8. The failure to disclose the business activities and operating methods of Western Cryogenics;

9. The failure to disclose Western Cryogenics' plans with regard to each of its products, including the relative importance of each product line in the over-all profit or loss experience of Western Cryogenics;

10. The failure to disclose whether Western Cryogenics has patent protection for its "Cryo funnel" product;

11. The failure to disclose the annual rental for Acme's offices and the facilities of its operating subsidiaries;

12. The failure to disclose in the Offering Circular the right granted the underwriter in the underwriting agreement to place a nominee on Acme's board of directors for the next five years following the effective date of the offering;

13. The failure to disclose that Acme entered into merger negotiations in the summer of 1973 with NACA Corporation, a Las Vegas, Nevada, holding company; and

14. The failure to accurately state those jurisdictions in which the securities were proposed to be offered.

B. On September 25, 1973, an indictment alleging violations of sections 17(a) and 24 of the Securities Act and of Sections 10b, 15(a)(1), 32 and Rule 10b-5 of the Exchange Act was returned against Theodore Koss and Koss securities Corporation by a Federal Grand Jury sitting in the Southern District of New York. Pursuant to Rule 261(a)(6) of the Act, indictment of the designated underwriter is grounds for suspension of the Regulation A exemption.

C. Acme failed to cooperate with the Commission in that Acme failed or refused to reply to its April 18, 1973 comment letter and three telephone requests from the Commission's staff with respect to the amending of the notification and offering circular or its withdrawal.

D. The offering, if allowed to commence, would be made in violation of Section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in the order within thirty (30) days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing

within thirty (30) days after the entry of this order; that within twenty (20) days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-18778 Filed 8-14-74; 8:45 am]

[70-5529]

MIDDLE SOUTH UTILITIES INC. ET AL.

Agreement With Non-Affiliate Refinery

AUGUST 9, 1974.

In the matter of Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017; System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Arkansas Power & Light Co., Ninth and Louisiana Streets, Little Rock, Arkansas 72203; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Co., P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service Inc., P.O. Box 60340, New Orleans, Louisiana 70160.

Notice is hereby given that System Fuels, Inc., ("SFI"), a jointly owned non-utility subsidiary of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company and New Orleans Public Service Inc. (herein collectively referred to as the "Operating Companies"), each an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, have jointly filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 10, 12(b) and 12(f) of the Act and rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

SFI has entered into an agreement ("Oil Agreement") with ECOL Ltd., ("ECOL") providing for long term purchases of fuel oil by SFI from ECOL, commencing upon the completion of an oil products refinery ("Refinery") which is to be constructed, owned and operated by ECOL. As more fully described below, the Oil Agreement provides, and SFI proposes, that SFI make advance payments

to ECOL aggregating not more than \$67,500,000 in aid of construction and startup of the Refinery. The advances, with interest thereon, will be repaid in the form of fuel oil to be supplied by ECOL to SFI under the terms and conditions of the Oil Agreement.

Established in 1972, SFI's chief function is the procurement, storage, transportation, etc. of fuel supplies, including fuel oil, for use in the generation of electricity by the Middle South System. (See HCAR Nos. 17400 and 18221, December 17, 1971 and December 17, 1973, respectively). At the present time, about 91 percent of the System's total electric generating capacity consists of oil-or-gas fired plants. Reflecting the increasing difficulties of procuring adequate supplies of natural gas, SFI has accelerated its program for increasing future fuel oil supplies for the System. Although by 1983 the proportion of oil/gas plants is expected to decline to about 48 percent of total System generating capacity (largely reflecting anticipated commensurate additions to nuclear fuel and coal-burning capacity) the System's annual fuel oil requirements are expected to increase from an estimated 20.7 million barrels in 1974 to 40 million barrels in 1979, and to as much as 65 million barrels by 1999. The proposed transactions are in furtherance of SFI's fuel oil supply program; and the Refinery is expected to supply about 35 percent of the System's fuel oil requirements over the 20 year term of the Oil Agreement, i.e., through approximately 1997.

ECOL is a wholly-owned subsidiary of Energy Corporation of Louisiana Ltd., ("Energy Corp.") whose sole stockholders are Ingram Corporation ("Ingram") and Northeast Petroleum Corporation ("Northeast"). Northeast, in turn, is the wholly-owned principal operating subsidiary of Northeast Petroleum Industries, Inc. Ingram and Northeast Petroleum Industries (under a former name) were organized in 1962. It is stated that SFI has entered into the Oil Agreement in reliance upon the expertise of Ingram and Northeast in procuring supplies of crude oil, financing and operating oil refineries, and transporting and marketing petroleum products; and upon their financial responsibility and banking connections. No affiliation exists between Middle South and the aforementioned companies.

The Refinery and Financing. The Refinery, to be located near Garyville, Louisiana, will be designed for a crude oil through-put capacity of 200,000 barrels daily. Construction of the Refinery, expected to be completed in 1976, will be done primarily by the Ralph M. Parsons Company, which is stated to have wide experience in that type of construction. ECOL's initial capital is being furnished by Ingram and Northeast by equal proportions aggregating \$20 million invested in common stock equity (100 percent) of Energy Corp.; the latter, in turn, will invest said amount in common equity of ECOL. It is stated that as of June 30, 1974, \$11,685,223 had been so invested

in and expended by ECOL for acquisition of the Refinery site and for other pre-construction costs; the balance is expected to be invested by September 1974. In addition to the equity investment, the construction of and working capital for the Refinery will be financed by banks up to \$235,000,000, and by SFI's proposed prepayment of \$67,500,000.

Pursuant to a letter of commitment ("Bank Commitment") dated May 31, 1974 between ECOL and a group of 13 banks ("Banks") headed by the First National Bank of Chicago, ECOL will borrow up to \$235,000,000, consisting of (a) \$175 million on Series A notes for construction, (b) \$15 million on Series B notes in the event of cost "over-runs", as defined, and (c) \$45 million on Series C notes for working capital necessary for start-up and operation of the Refinery. Borrowing against the Series A notes must be preceded by, among other things (i) the \$20 million cash equity investment in ECOL and (ii) the first advance payment by SFI pursuant to the Oil Agreement. The Banks' commitments to lend will run until the earlier of final payment for the Refinery or March 31, 1977 in respect of the Series A and Series B commitments; and the earlier of two years after start-up of the Refinery or December 31, 1978 in respect of the Series C commitment. The Banks will charge a commitment fee of 1 percent ($\frac{1}{2}$ of 1% in the case of the Series C) per annum on unused portions of the commitments from June 1, 1974 to said commitment expiration dates.

The Series A and B notes will initially mature on the related commitment dates, but will thereupon be refunded in an aggregate principal amount equal to the then outstanding Series A and B notes by the issuance of new Series A notes, maturing in 78 approximately equal semi-annual installments commencing six months after start-up of the Refinery or July 1, 1977, whichever is earlier. The Series C notes will mature on the earlier of two years after start-up of the Refinery or December 31, 1978. The A and B notes are optionally prepayable with a 1 percent penalty if prepaid from borrowed funds, except that funds derived from sale of pollution control or analogous bonds or from prepayments received by ECOL from long-term sales of Refinery products may be used to prepay the notes without penalty. Series A or B notes will not be prepayable while any Series C notes are outstanding.

Notes of all series held by the Banks will bear interest at an annual rate of 2 percent above 117.6 percent of the prime rate in effect from time to time at the First National Bank of Chicago, except that the rate on the Series C may be 1 percent less than the foregoing during times when the outstanding amount of those notes does not exceed a "formula amount" determined with reference to ECOL's inventories, trade accounts receivable, and cash or equivalent. Additional interest will be payable on Series A and B notes in accordance with a formula measured by ECOL's "excess cash flow" as defined.

The Bank borrowings will be secured by a first mortgage on the Refinery, by a first priority security interest in ECOL's inventory, accounts receivable, etc., and by the Banks' right to require assignment to them of ECOL's rights under contractual agreements including long-term product sales agreements. The Bank Committee (on which the ultimate Bank loan agreement will be based) also contains covenants requiring, among other things, that ECOL maintain not less than certain specified ratios of current assets to current liabilities; maintain specified net worth positions; and, prior to March 31, 1976, contract for a crude oil supply averaging not less than 150,000 barrels daily for a period of not less than 5 years.

The Oil Agreement. The Oil Agreement provides for the sale by ECOL and purchase by SFI, over a period of 20 years, of up to 50,000 barrels per day of #6 fuel oil produced by the Refinery. The prices to be paid by SFI will be in accordance with a price formula set forth in the agreement, which will reflect, among other things, (a) ECOL's operating costs including taxes other than income taxes, depreciation (on a straight-line 13 year basis) and interest on borrowed funds (not including borrowed funds for inventories and receivables); (b) ECOL's total product realization based on all products produced at the Refinery multiplied by a weighted average posted price of each product; and (c) 60¢ per barrel of crude oil processed during the billing month—provided, that the fuel oil prices paid by SFI shall not exceed the price concurrently paid by ECOL's other customers for the same product, less 10¢ per barrel.

SFI's advances to ECOL, up to the maximum of \$67,500,000, will be in the nature of prepayments for fuel oil. The advances will be made monthly in amounts (except for the first payment) not exceeding 23.4 percent of ECOL's construction and related expenditures estimated for the succeeding month. Each advance will be evidenced by a note ("ECOL note") maturing not later than 1 year after issuance, bearing interest at the rate of 15.37 percent per annum. Each ECOL note maturing prior to the start of the second contract year will be refunded by a new note equal to the principal amount and accrued interest, and bearing a similar interest rate and maturity, as that of the note refunded. At commencement of the second contract year the aggregate principal amount and accrued interest of all ECOL notes then outstanding will be refunded by one new ECOL note, bearing interest at 15.37 percent per annum and payable in equal monthly instalments for nine years. Such payments, which are estimated to begin late in 1977, will be made in the form of deliveries of fuel oil ("Product") to SFI under the Oil Agreement. The Product will be valued as described above.

The ECOL note or notes held from time to time by SFI will be secured by collateral mortgage on the Refinery, subordinate to the rights of ECOL's senior

creditors such as the Banks, but having priority over ECOL's general creditors. It is stated that in the event of any default by ECOL the Banks have agreed not to enforce their senior claims by judicial sale of the mortgaged property without first offering SFI the right, but not the obligation, to cure the default or to provide for full payment and assignment to SFI of all notes held by the Banks. It is further stated that except upon the contingency of a default by ECOL and the exercise by SFI of its rights, SFI will not acquire any interest in the Refinery.

As sole stockholders of SFI, and to induce ECOL to enter into the Oil Agreement, the Operating Companies will agree with ECOL that they will severally, in accordance with their respective shares of ownership of SFI's common stock, take any and all action as may be necessary to place SFI in a position to discharge its obligations under the Oil Agreement. It is proposed, in that connection, that the funds required by SFI from time to time to make advance payments to ECOL will be supplied pro rata by the Operating Companies. Advances so made by the Operating Companies, with interest thereon at 15.37 percent per annum, will be credited to them as prepayments for future deliveries of fuel oil. The interest rate of 15.37 percent attaching to both sets of transactions is represented to be the Operating Companies' related costs of financing.

With respect to crude oil supplies for the Refinery, it is stated that ECOL has been actively negotiating with Middle East producing countries and with Venezuela; that, to date, ECOL has received a letter of intent from Sonotrac, the Algerian Government oil company, for a supply of 40,000 barrels per day of crude oil which may be used in the refinery or exchanged for other crude oil; and that the exercise of restraint in further contracts for crude oil deliveries two years hence is considered prudent in view of the rapidly fluctuating crude oil prices and the unsettled world political situation with respect to oil. Reference is also made to the stipulation in the Bank Commitment, heretofore noted, regarding future contractual arrangements for crude oil supplies.

Applicants-declarants request that SFI be authorized, until the Refinery is declared operative, to file certificates of notification required under Rule 24 on a quarterly basis in respect of a description of the advances made by SFI to ECOL, loans made by the Banks to ECOL and equity investments made in ECOL.

Applicants-declarants state that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than September 3, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the

reasons for such request, and the issues of fact or law raised by the application-declaration as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-18777 Filed 8-14-74; 8:45 am]

[811-2066]

OLYMPIAN FUND, INC.

Proposal To Terminate Registration

AUGUST 9, 1974.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Olympian Fund, Inc. ("Fund"), c/o J. Russell Pitto, 2 North Second Street, Suite 1300, San Jose, California 95113, registered under the Act as a diversified open-end investment company, has ceased to be an investment company as defined in the Act.

Fund registered under the Act on May 25, 1970. It also filed a registration statement on Form S-5 (File No. 2-37547) under the Securities Act of 1933 which did not become effective; the Commission consented to its withdrawal on October 31, 1972. Fund has sold no shares to the public; it presently has no shareholders and no assets; and information in the Commission's files indicates that Fund does not anticipate offering its securities to the public in the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that registered investment company has ceased to be an investment company, it shall so declare by order,

and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than September 4, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Olympian Fund, Inc., at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, and order disposing of the matter herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-18718 Filed 8-14-74; 8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory) will hold a meeting on September 6, 1974 at the Securities and Exchange Commission, 500 North Capitol Street, Room 382, Washington, D.C. at 10 a.m. local time which will be for the purpose of discussing development of simplified assessment forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating

Group is to review all reports, forms, and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing a uniform financial and operational report (Securities Exchange Act Release No. 10612).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pillero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 8, 1974.

[FR Doc.74-18720 Filed 8-14-74; 8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

AUGUST 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 8, 1974 through August 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-18719 Filed 8-14-74; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 13; Rev. 1]

ASSOCIATE ADMINISTRATOR FOR PROCUREMENT

Delegation of Authority

Delegation of Authority No. 13 (37 FR 20752), as amended (38 FR 26510), is hereby revised to reflect a change of title from Associate Administrator for Procurement and Management Assistance to Associate Administrator for Procurement and to effect the transfer of management assistance functions to the Assistant Administrator for Management Assistance. Amendment 1 to Delegation of Authority No. 13-A (39 FR 17269) is hereby revoked so that the 406 management assistance authority contained therein may be redelegated properly under the current reorganization.

Delegation of Authority No. 13, Revision 1, reads as follows:

I. Pursuant to the authority vested in the Administrator of the Small Business Administration by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended, there is hereby delegated to the Associate Administrator for Procurement Assistance the following authority:

A. *Procurement Assistance.* 1. To (a) enter into, (b) negotiate, and (c) recommend approval of joint agreements and memoranda of understanding with other Government contracting, procurement, or disposal agencies;

2. To take any and all actions necessary to carry out the provisions of joint agreements and memoranda of understanding with other Government contracting, procurement, or disposal agencies;

3. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of total Government procurements, including research and development procurements, be made from small business;

4. To take any and all actions necessary to carry out SBA's authority to encourage the letting of subcontracts by prime contractors to small business concerns;

5. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total sales of Government property be made to small business concerns;

6. To appeal determinations made under joint agreements or memoranda of understanding by Government contracting, procurement or disposal agencies to the heads of such agencies;

7. To take any and all actions relating to SBA prime contracting authority;

8. To take any and all actions necessary to carry out the certificate of competency provisions of the Small Business Act, including the issuance or denial of such certificates;

9. To take any and all actions necessary to carry out SBA's authority to make an inventory of productive facilities of small business concerns;

10. To take any and all actions necessary to carry out SBA's authority to utilize effectively the productive facilities of small business concerns.

11. To take any and all actions necessary to carry out SBA's authority to enable small business to obtain material from its normal sources;

12. To take any and all actions necessary to carry out SBA's authority for procurement assistance in surplus labor areas and area redevelopment areas in the implementation of procurement assistance programs in such areas.

B. *Section 8(a) contracting authority.* 1. To enter into contracts on behalf of the Small Business Administration with the United States Government and any department, agency, or officer thereof having procurement powers, obligating the

Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts;

2. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer; and

3. To arrange for the performance of such contracts or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts.

II. The authority delegated herein may be redelegated to Central Office officials with the exception of subsections IA1(a) and IA6.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Associate Administrator for Procurement Assistance.

Effective date: July 8, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 74-18800 Filed 8-14-74; 8:45 am]

[Delegation of Authority No. 17]

ASSISTANT ADMINISTRATOR FOR MANAGEMENT ASSISTANCE

Delegation of Authority

As a result of a reorganization and establishment of the position of Assistant Administrator for Management Assistance, this delegation of authority is issued to provide the necessary authority relating to the management assistance program of the Small Business Administration.

Delegation of Authority No. 17 reads as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended, there is hereby delegated to the Assistant Administrator for Management Assistance the following authority:

A. 406 Program. 1. To execute grants, agreements, and contracts providing financial assistance to public or private organizations to pay all or part of the costs of projects designed to provide technical and management assistance to individuals or enterprises eligible for assistance under section 402 of the Economic Opportunity Act of 1964, as amended, with special attention to small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals.

Such financial assistance may be provided for projects, including without limitation:

a. Planning and research, including feasibility studies and market research;

b. The identification and development of new business opportunities;

c. The furnishing of centralized services with regard to public services and government programs, including programs authorized under Section 402 of the Economic Opportunity Act of 1964, as amended;

d. The establishment and strengthening of business service agencies, including trade associations and cooperatives;

e. The encouragement of the placement of subcontracts by major businesses with small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals, including the provision of incentives and assistance to such major businesses so that they will aid in the training and upgrading of potential subcontractors or other small business concerns;

f. The furnishing of business counseling, management training, and legal and other related services, with special emphasis on the development of management training programs using the resources of the business community, including the development of management training opportunities in existing businesses, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individuals served.

II. The authority delegated herein may be redelegated to Central Office officials.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Assistant Administrator for Management Assistance.

Effective date: July 8, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 74-18801 Filed 8-14-74; 8:45 am]

[License No. 03/04-0107]

METROPOLITAN CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Metropolitan Capital Corporation (MetCap) 2550 Huntington Avenue, Alexandria, Virginia 22303, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA), pursuant to section 312 of the Act and covered by Section 107.1004 of SBA rules and regulations governing Small Business Investment Companies (13 CFR, Part 107.1004 (1974)), for approval of a conflict of interest transaction falling within the scope of the above section of the Act and regulations.

Subject to such approval, MetCap proposes to provide financing to Graphic Productions, Inc., 5001 Seminary Road, Alexandria, Virginia 22311, a newly formed graphic arts service firm, owned and operated by William H. Humbert and Richard S. Craighill, former employees of Value Engineering Company, the parent company of MetCap.

The proposed financing is brought within the purview of § 107.1004 of the Regulations since William H. Humbert and Richard S. Craighill are "Associates of a Licensee," MetCap, as that term is defined in § 107.3 of the regulations.

Notice is hereby given that interested persons may, not later than 15 days from the publication of this Notice, submit to SBA, in writing, relevant comments on the proposed transaction. Any such communication should be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. After expiration of the 15 days, SBA may dispose of this application on the basis of the information contained in the application, the comments (if any) which are received, and other relevant data.

A similar notice shall be published by MetCap in a newspaper of general circulation in Alexandria, Virginia.

Dated: August 2, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc. 74-18727 Filed 8-14-74; 8:45 am]

[License No. 06/06-0172]

VENTURE CAPITAL CORP. OF NEW MEXICO

Issuance of License To Operate as a Small Business Investment Company

On June 28, 1974, a notice was published in the FEDERAL REGISTER (39 FR 24066) stating that Venture Capital Corporation of New Mexico, 200 Lomas Boulevard NW., Suite 1121, Albuquerque, New Mexico 87102, had filed an application with the Small Business Administration (SBA), pursuant to Section 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1974)), for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business July 15, 1974, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06-0172 to Venture Capital Corporation of New Mexico, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: August 6, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc. 74-18728 Filed 8-14-74; 8:45 am]

TARIFF COMMISSION

[TEA-F-65]

GETTYSBURG SHOE CO.**Notice of Investigation**

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of Gettysburg Shoe Co., Gettysburg, Pa., a wholly-owned subsidiary of Dero Industries, Inc., New York, New York, the United States Tariff Commission, on August 8, 1974, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.45, 700.55 and 700.85 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within on or before August 26, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of The Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: August 9, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-18768 Filed 8-14-74; 8:45 am]

VETERANS ADMINISTRATION**VETERANS ADMINISTRATION VOLUNTARY SERVICE NATIONAL ADVISORY COMMITTEE****Notice of Meeting**

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that the annual meeting of the Veterans Administration Voluntary Service National Advisory Committee, composed of representatives from 46 national voluntary organizations, will be held at the Sheraton Palace Hotel, San Francisco, California, October 24-25, 1974. The Committee, which was established in 1946 to serve in an advisory role to the Chief Medical Director, participates in planning and coordinating, at the national level, the overall plans and general policies for the volunteer service of national and local organizations in the care and treatment of veteran-patients.

A special invitation is being extended to the Veterans Administration staff and volunteers in the Western States to attend and participate in this open meet-

ing being held on the West Coast for the first time.

Dated: August 9, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-18771 Filed 8-14-74; 8:45 am]

DEPARTMENT OF LABOR**Office of Federal Contract Compliance****BOARD OF EDUCATION, DETROIT
AFFIRMATIVE ACTION PLAN****Approval and Opportunity for Appeal**

1. *Background.* 41 CFR 60-1.4(b)(2) (39 FR 2365, January 21, 1974) prescribes procedures whereby State and local governments intending to impose affirmative action hiring and/or training requirements on federally assisted construction already subject to federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, shall submit such requirements to the Director of the Office of Federal Contract Compliance. Such State and local requirements will be deemed applicable to federally assisted construction contracts unless the OFCC Director, or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the federal minority hiring and/or training plan (either voluntary or imposed) in the area.

Pursuant to 41 CFR 60-1.4(b)(2), on June 7, 1974, the Board of Education of the City of Detroit submitted its Equal Employment Opportunity Compliance Policy to the OFCC Director. The Board of Education of the City of Detroit Equal Employment Opportunity Compliance Policy consists of a Fair Employment Practices Agreement (hereinafter referred to as the Agreement), Pre-Award Personnel Survey, a Policy for Awarding Construction Contracts Not Exceeding \$50,000, and Guidelines for EEO Procedure Contracting For Construction and Maintenance (hereinafter referred to as the Guidelines). The Board of Education's EEO Policy is applicable to all contracts with the Detroit Public Schools and the Board of Education of the School District of the City of Detroit. In relevant part, the Agreement requires all bidders to sign and submit the Agreement as a condition of doing business with the Detroit Public Schools or the Board of Education. The Agreement provides that such contractors will not discriminate against employees and applicants for employment because of race, color, religion, national origin, ancestry, sex or age and, further, that the contractor will take affirmative action to ensure that employees are not subjected to discrimination on such basis. The Agreement also requires that contractors will make positive efforts to advertise em-

ployment opportunities and indicate their readiness to employ minorities.

A contractor will be considered to be in compliance with the Board of Education's EEO Policy when his total work force includes minority representation equal to that of the labor supply in the area. The Guidelines state in paragraph C-2 that the current goal in the construction industry is a minimum of 25 percent of the man-hours worked by a contractor's work force in every job category. A contractor may, nevertheless, be awarded a contract even though minority representation in his work force is below the 25 percent goal, provided he submits an acceptable affirmative action plan with goals and timetables designed to make satisfactory progress toward overcoming the underutilization of minorities and reach the goals established by the Board of Education. Satisfactory progress means the employment of minorities at a rate that will remedy the underutilization in each job category within a specified time. A bid from a bidder who employs no minorities will not be accepted unless an exception is granted. Such exceptions are granted on an individual basis.

Sanctions for noncompliance with the Board of Education's EEO Policy include cancellation of current contracts, withholding or delay of progress payments and declaration of ineligibility for further contracts with the Board of Education until compliance has been established in accordance with the criteria described by the Board. In addition, the noncompliance of a contractor may be penalized by the forfeiture of one percent of the original gross amount of the contract for each day of noncompliance beginning five days after notification of noncompliance by a special delivery mail.

An authorized EEO compliance officer evaluates each bidder's employment status with regard to the requirements of the Board of Education's EEO Policy prior to contract award and/or start of construction. Clearance to award contracts will be granted to a contractor whose status is in full compliance with the Board's EEO Policy, i.e., he meets the 25 percent goal, or conditionally awardable on the basis of a written affirmative action plan which has been accepted by the Board. All prime contractors and subcontractors must receive EEO clearance as described above ten working days after receiving notification that they are a low bidder.

The Board of Education's EEO Policy provides that a contractor's bid may be rejected if the contractor's minority work force does not meet the 25 percent goal and the contractor has not submitted an acceptable affirmative action plan; or the Board of Education's EEO Department deems that progress towards the goals stated in an acceptable affirmative action plan has been unsatisfactory. After award of a contract, the EEO Department conducts periodic evaluations of the compliance or progress towards compliance of all

contractors. Where noncompliance is indicated, the compliance officer will negotiate to correct the deficiencies.

Copies of the Board of Education of the City of Detroit Equal Employment Opportunity Compliance Policy may be obtained from the Detroit Public Schools, Department of Equal Employment Opportunities and Contract Relations, 5057 Woodward, Detroit, Michigan 48202, or Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210.

2. *Decision.* After careful review of the Board of Education of the City of Detroit Equal Employment Opportunity Compliance Policy, in accordance with the provisions of 41 CFR 60-1.4(b)(2), I have determined that the Board's EEO Compliance Policy is not inconsistent with Executive Order 11246, as amended, and not incompatible with the effective implementation of the federal Detroit Plan. This determination is based upon my understanding that the goals of the Board's EEO Compliance Policy are to be met through the recruitment and hiring of qualified or qualifiable minorities and that contractors are provided with a full opportunity to contest allegations of noncompliance and, thereby, show that they have made every good faith effort to meet the goals of the EEO Compliance Policy. Accordingly, the Board of Education of the School District of the City of Detroit may include its EEO Compliance Policy in federally assisted construction contracts.

3. *Rights of Appeal.* On Monday, August 5, 1974, in accordance with 41 CFR 60-1.4(b)(2), I communicated my determination to Mr. Ernest T. Marshall, Director of the Detroit Public Schools, Department of Equal Employment Opportunities and Contract Relations, by registered mail, return receipt requested.

Pursuant to 41 CFR 60-1.4(b)(2), any persons or groups affected by my determination, including construction contractors, labor organizations, associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, by requesting a hearing on or before September 5, 1974. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all

other persons, organizations and other entities affected by my determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 80 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision, the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

Signed at Washington, D.C., this 9th day of August 1974.

PHILIP J. DAVIS,
Director, Office of Federal
Contract Compliance.

[FR Doc. 74-18734 Filed 8-14-74; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 305]

NATIONWIDE INCREASE OF TEN PERCENT IN FREIGHT RATES AND CHARGES, 1974 Reporting Requirement

AUGUST 12, 1974.

Upon consideration of the record in the above-entitled proceeding, the orders dated June 3, 1974, and July 18, 1974, and of:

(1) Petition filed July 18, 1974, by the Construction Aggregate Rail Shippers Conference, Inc. (CARS), for modification of the June 3, 1974, order making more definite and certain the requirement that revenue increases be expended by the railroads for capital improvements and deferred maintenance;

(2) Petition filed July 31, 1974, on behalf of railroad respondents for clarification and modification of the order dated July 18, 1974;

(3) Separate petition filed July 30, 1974, by the Chesapeake and Ohio Railway Company, the Baltimore and Ohio Railroad Company, and Western Maryland Railway Company (Chessie System), for reconsideration and amendment of the order dated July 18, 1974;

(4) Petition filed July 30, 1974, by the Trustees of Penn Central Transportation Company, Debtor (Penn Central), for reconsideration and modification of the order dated July 18, 1974;

(5) Petition filed July 12, 1974, by the American Short Line Railroad Association (Short Lines) for modification of the order dated June 3, 1974;

(6) Replies filed July 22 and August 1, 1974, by Diamond Crystal Salt Company and The National Industrial Traffic League, respectively, in opposition to relief sought by Short Lines;

(7) Reply filed August 7, 1974, by railroad respondents in opposition to CARS' petition for modification; and

It appearing, that petitioner, CARS, in (1) above seeks modification of the June 3, 1974, order to require, as a condition of the authority granted for the increases in rates and charges, that at least 50 percent of the increased revenue

derived from traffic using open-top equipment, including construction aggregates, be devoted to the purchase or rebuilding of suitable equipment for the movement of such traffic and that these capital improvement expenditures must be in addition to expenditures in a base period prior to the entry of the order dated June 3, 1974;

It further appearing, that the railroad respondents in (2) above, seek modification and clarification of the order dated July 18, 1974, in the following respects:

(1) Elimination of the exclusion of improvements in progress and those scheduled or otherwise committed and recognized in capital budgets in effect or applicable on June 1, 1974, or

(2) Substitution of January 1, 1974, for June 1, 1974, in line 8 of paragraph 4 of the order;

(3) Modification of paragraph 5 of the July 18, 1974, order by deleting reference to estimated expenditures which would normally be budgeted for the first and second calendar quarter of 1975 and substitution thereof of the average amount of maintenance and capital expenditures for the first six months of the years 1971-1974;

(4) Interpretation of paragraph 5 of the July 18, 1974, order as meaning that the excess of expenditures for maintenance and capital programs over the referenced bases is, prima facie, allowable as deferred maintenance or delayed capital improvements, assuming the changes requested in (2) and (3) above, are granted;

(5) Modification of the definition of deferred maintenance in the third paragraph of the July 18, 1974, order to include deferred maintenance programs which would result in improved service;

(6) Modification of the definition of delayed capital improvements by adding the following at the end of the first sentence, in paragraph 4 of said order, "on a basis acceptable to prudent management," and to embrace new capital improvement programs required by changes in traffic levels or traffic mix; and

(7) Postponement of the August 19, 1974, report filing date for material regarding the identification of maintenance and capital programs and certain data which must be estimated for 30 days following the disposition of the respondents' petition;

It further appearing, that petitioner, Chessie System, in (3) above, seeks to amend the July 18, 1974, order by adding a new ordering paragraph permitting a railroad to expend the funds generated by the authorized increases for any valid corporate purpose if it should have no deferred maintenance or delayed capital improvements as defined in the order and for postponement of the August 19, 1974, reporting date pending disposition of the Chessie System's petition;

It further appearing, that petitioner, Penn Central, in (4) above, seeks modification of the July 18, 1974, order to permit railroads in reorganization to transfer funds segregated in Account 716, Capital and Other Reserve Funds, to Account 701, Cash, if necessary, to meet cash requirements for continued operations;

It further appearing, that petitioner, Short Lines, in (5) above, seeks modification of June 3, 1974, order to relieve other than class I line-haul railroads

from the record keeping and reporting requirements imposed therein;

It further appearing, that the Commission has consistently expressed its full intention that the authorized increases, over and above the increased costs of materials and supplies, other than fuel, shall be used by the respondents exclusively for reducing deferred maintenance of plant and equipment and delayed capital improvements in order that rail service to the shippers will be improved;

It further appearing, that while the Commission intends that the authorized increases shall be used for deferred maintenance and delayed capital improvements, it leaves to the railroad managements' decision how the funds segregated in accordance with the July 18, 1974, order shall be applied to expenditures for the various specific items of equipment and other properties;

It further appearing, that as used in the definition of deferred maintenance, "wholly or partially inadequate" in relation to services to shippers has reference to the rule of ratemaking, cited in the order of June 3, 1974, authorizing the rate increases, which requires, *inter alia*, our consideration of "the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management to provide such service";

It further appearing, that the definitions of deferred maintenance and delayed capital improvements provided in said order particularly reserves to the management of each railroad in the exercise of its proper and prudent managerial functions the determination of the extent to which these conditions exist in respect to their properties;

It further appearing, that the petition and verified statements of railroad officials seeking the increases authorized herein are replete with references to the need for revenues to provide funds for great, but unspecified, amounts of deferred maintenance and delayed capital improvements;

It further appearing, that the accounting and reporting requirements as defined and specified in the order of July 18, 1974, except to the extent herein modified, are necessary for the Commission to be informed about the extent of deferred maintenance and delayed capital improvements which must be overcome to provide adequate and improved service to shippers, as specifically identified as of June 30, 1974, by railroad management;

It further appearing, that without such specific information, the Commission would have no reasonable basis for determining whether the authorized increases were being applied as intended, whether cancellation should be ordered after evaluation of each of the required reports, and whether on or before June 30, 1975,

the increases should be allowed to expire or be made permanent;

It further appearing, that certain railroads, as asserted in the respondents' petition, may have anticipated authorization of the increases by initiating improvement projects, or scheduling or otherwise committing and recognizing them in capital budgets prior to June 1, 1974, and if such were the circumstances and the projects otherwise qualify as delayed capital improvements, it would be consistent with the Commission's intention that the authorized increases could be applied thereto;

It further appearing, that the President of Penn Central in his verified statement in this proceeding last April asserted that "On an annual basis, Penn Central, after relieving the pressures of a chronic cash deficit, would allocate more than \$100 million of the total increased revenue of the \$170 million to stepped-up track work and equipment repairs", and in view of the accrued deterioration in the Penn Central's plant and equipment, the relief requested does not appear warranted at this time;

And it further appearing, that the Short Lines have already been granted relief from the reporting requirements and, in the absence of the record keeping requirements, no means would be available to assure that the increases were applied as intended by the Commission;

Wherefore, and for good cause:

It is ordered, That the date, "June 1, 1974", in the fourth paragraph of the July 18, 1974, order shall be deleted and "January 1, 1974," be, and it is hereby, substituted therefor:

It is further ordered, That the filing date in the seventh ordering paragraph of the order, "August 19, 1974," shall be deleted and "September 3, 1974," be, and it is hereby substituted therefor, and that the original and fourteen (14) copies of each report be filed with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423.

It is further ordered, That, in all other respects, the petitions in (1), (2), (3), (4), and (5) be, and they are hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-18804 Filed 8-14-74; 8:45 am]

[Notice No. 571]

ASSIGNMENT OF HEARINGS

AUGUST 12, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective

assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after August 15, 1974.

MC 88380 Sub 13, R E B Transportation, Inc., now being assigned October 21, 1974 (1 week), at Dallas, Texas, in a hearing room to be later designated.

MC 133789, Big Sky Farmers And Ranchers Marketing Cooperative Of Montana, now assigned August 12, 1974, at Washington, D.C., is cancelled and the application is dismissed.

I & S No. 8962, Bulk Grain in Barge loads, Midwest, South & Southwest, now being assigned hearing October 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S M-27884, Export, Import, Coastwise and Intercoastal Shipments, now being assigned hearing October 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35940, Investigation Into The Lawfulness of Interchange Arrangements Between the Bangor and Aroostook Railroad and CP Rail at Brownville Junction, Maine, No. 35987, Main Central Railroad Company-V-Bangor and Aroostook Railroad Company, No. 36013, Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, Trustees-V-Bangor and Aroostook Railroad Company, and No. 36013 Sub 1, Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees-V-Bangor and Aroostook Railroad Company, now being assigned pre-hearing conference September 11, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-18805 Filed 8-14-74; 8:45 am]

[Notice No. 139]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75316. By application filed August 6, 1974, HANSON TRANSPORT, INC., 1402 Sixth St., South Fargo, ND 58102, seeks temporary authority to lease the operating rights of HANSON TRANSFER, INC., Mayville, ND 58257, under section 210a(b). The transfer to HANSON TRANSPORT, INC., of the operating rights of HANSON TRANSFER, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-18806 Filed 8-14-74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

AUGUST 12, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before August 26, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successfully filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-76 (Sub-No. E1), filed May 7, 1974. Applicant: MAWSON & MAWSON, INC., P.O. Box 125, Langhorne, Pa. 19047. Applicant's representative: Gerald S. Gomer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Heavy machinery*, (a) between Philadelphia, Pa., and points in Pennsylvania within 150 miles of Philadelphia (except those points on, east, and north of a line beginning at the New York-Pennsylvania State line and extending south on U.S. Highway 220 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Pennsylvania Highway 29, thence over Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence over Pennsylvania Highway 29 to junction U.S. Highway 11, thence U.S. Highway 11 to junction Pennsylvania Highway 239, thence over Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence over Pennsylvania Highway 93 to junction Interstate Highway 80, thence over Interstate Highway 80 to the Pennsylvania-New Jersey State line), on the one hand, and, on the other, points in Connecticut, Rhode Island, and Massachusetts, and (b) between Philadelphia, Pa., and points in Pennsylvania within 150 miles of Philadelphia (except those points on, west, and south of the line described in (a) above), on the one hand, and, on the other, points in Rhode Island, points in Massachusetts on and east of a line beginning at the Massachusetts-Vermont State line and extending along Interstate Highway 91 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Massachusetts-Connecticut State line, and points in Connecticut on, east, and south of a line beginning at the Connecticut-Massachusetts State line and extending along

U.S. Highway 202 to junction Connecticut Highway 10, thence over Connecticut Highway 10 to junction Connecticut Highway 67, thence over Connecticut Highway 67 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction Connecticut Highway 58, thence over Connecticut Highway 58 to junction Connecticut Highway 107, thence over Connecticut Highway 107 to junction U.S. Highway 7, thence north over U.S. Highway 7 to junction Connecticut Highway 102, thence over Connecticut Highway 102 to the Connecticut-New York State line; and (2) Building materials, from points in New York, New Jersey, and Delaware, to points in Maryland except (a) from points in New York west of New York Highway 14 to points in Maryland west of a line beginning at the Pennsylvania-Maryland State line and extending over U.S. Highway 140 to junction Maryland Highway 97, thence over Maryland Highway 97 to junction Maryland Highway 28, thence over Maryland Highway 28 to junction U.S. Highway 241, thence over U.S. Highway 241 to junction Interstate Highway 495, thence over Interstate Highway 495 to the Maryland-Virginia State line.

(b) From points in Delaware south and west of a line beginning at the Delaware River and extending over Interstate Highway 295 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Delaware Highway 7, thence over Delaware Highway 7 to the Delaware-Pennsylvania State line, to points in Maryland; and (c) from points in Delaware on, north, and east of the line described in (b) above to points in Maryland north and east of a line beginning at the Delaware-Maryland State line and extending over Maryland Highway 404 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 15, thence over U.S. Highway 15 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of New York, N.Y., in (1) above; and Philadelphia, Pa., in (2).

No. MC-14659 (Sub-No. E1), filed May 15, 1974. Applicant: O'DONNELL'S EXPRESS, Davis Street, Presque Isle, Maine 04769. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17, M.C.C. 467 (1939), commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between Newburyport and Salisbury, Mass., on the one hand, and, on the other, points in Rhode Island and Connecticut; and (b) between points in Essex and Suffolk Counties,

Mass., and points in those portions of Norfolk and Middlesex Counties, Mass., on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along Massachusetts Highway 111, to junction Massachusetts Highway 119, thence along Massachusetts Highway 119, to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to the Norfolk-Bristol County boundary line, on the one hand, and, on the other, points in Rhode Island and Connecticut. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points in Massachusetts within 12 miles of Boston.

No. MC-18738 (Sub-No. E1), filed May 12, 1974. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Riverdale, Ill. 60627. Applicant's representative: Eugene L. Cahn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, (a) from Buffalo, N.Y., to St. Louis, Mo., (b) from Mansfield, Ohio, to St. Louis, Mo., and (c) from Cleveland, Ohio, to St. Louis, Mo., and (2) *Iron and steel articles* (except those of unusual value and those requiring special equipment), (a) from Louisville, Ky., to points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 136 to Indianapolis, thence along Interstate Highway 69 to junction Indiana Highway 18, thence over Indiana Highway 18 to junction Indiana Highway 67, thence over Indiana Highway 18 to the Indiana-Ohio State line; points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line; points in Michigan; and points in Illinois on and north of U.S. Highway 36; (b) from Buffalo, N.Y., to points in Illinois; points in Indiana on and west of a line beginning at or near Michigan City and extending along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line; and points in Kentucky on and west of U.S. Highway 431.

(c) From Mansfield, Ohio, to points in Illinois north and west of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 17 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Interstate Highway 72, thence along Interstate Highway 72 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line; (d)

from Cleveland, Ohio, to points in Illinois; (e) from Kokomo, Ind., to points in Kentucky east of U.S. Highway 127; and points in Ohio on and east of a line beginning at Cincinnati and extending along Interstate Highway 71 to Columbus, thence along Ohio Highway 16 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 800, thence over Ohio Highway 800 to junction Ohio Highway 183, thence along Ohio Highway 183 to Alliance, thence over Ohio Highway 225 to junction Ohio Highway 5, thence over Ohio Highway 5 to junction Ohio Highway 11, thence over Ohio Highway 11 to junction U.S. Highway 20, thence over U.S. Highway 20 to the Ohio-Pennsylvania State line; (f) from Danville, Ill., to points in Indiana east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to Indianapolis, thence along Interstate Highway 69 to junction Indiana Highway 9, thence along Indiana Highway 9 to the Indiana-Michigan State line; points in Ohio on, south, and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Ohio-Michigan State line; points in Michigan on and east of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the U.S.-Canada International Boundary line; and points in Kentucky on and east of Interstate Highway 65.

(g) From Cincinnati and Middletown, Ohio, to St. Louis, Mo.; (h) from points in Illinois on and north of U.S. Highway 36 to points in Ohio on and south of Interstate Highway 70; points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 63, thence along Kentucky Highway 63 to the Kentucky-Tennessee State line; and points in Indiana on, south, and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line; (i) from points in Illinois south of U.S. Highway 36 to points in Indiana north and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 9, thence along Indiana Highway 9 to the Indiana-Michigan State line; points in Ohio north of Interstate Highway 70; and east of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the U.S.-Canada International Boundary line; (j) from points in Illinois to points in Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and

and extending along U.S. Highway 36 to Piqua, thence along U.S. Highway 25 to Cincinnati.

(k) From points in Ohio bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Piqua, thence along U.S. Highway 25 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-Indiana State line to points in Indiana on, south, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 37, thence over Indiana Highway 37 to the Indiana-Kentucky State line; and points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along Kentucky Highway 69 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Interstate Highway 65, thence over Interstate Highway 65 to the Kentucky-Tennessee State line (including Bowling Green, Ky.); (l) from points in Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Kentucky State line to points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction 421, thence along U.S. Highway 421 to junction Indiana Highway 29, to junction Indiana Highway 25, thence along Indiana Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line.

(m) From points in the Chicago, Ill., commercial zone to St. Louis, Mo.; (n) from Chicago Heights, Ill., to points in Indiana on, south, and east of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 70 to Indianapolis, thence along Indiana Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line; and points in Kentucky on and east of U.S. Highway 431; (o) from Chicago Heights, Ill., to points in Ohio; (p) from Chicago Heights, Ill., to points in Michigan on, east, and north of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to Ludington (including all points on the Upper Peninsula); (q) from Joliet, Ill., to points in Michigan, Indiana, Ohio, and Kentucky; (r) from Elk Grove, Ill., to points in Michigan on, east, and north of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to junction Michigan Highway 51, thence along Michigan Highway 51 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 40, thence along Michigan Highway 40 to Holland (including all points on the Upper Peninsula); (s) from Elk Grove, Ill., to points in Indiana on, south, and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 19 to junction

Indiana Highway 110, thence along Indiana Highway 110 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line; and (t) from Elk Grove, Ill., to points in Ohio and Kentucky.

The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., commercial zone, and points in White County, Ind. in (1a), (1b), and (1c) above; Indianapolis, Ind., in (2l), and (2n); (2h), (2i), (2j), (2k), (2l), and (2n); points in the Chicago, Ill., commercial zone in (2b), (2c), (2d), and (2q); Cincinnati or Middletown, Ohio, in (2e); points in White County, Ind., in (2m); Joliet, Ill., and points in the Chicago, Ill., commercial zone, or Indianapolis, Ind., in (2o), (2s), and (2t); and Joliet, Ill., and points in Chicago, Ill., commercial zone in (2p) and (2r).

No. MC-40087 (Sub-No. E1), filed June 6, 1974. Applicant: C & C TRUCKING CO., INC., Foot of Main Street, Larrytown, N.Y. 10591. Applicant's representative: William Biter (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, perishable commodities, those in bulk, and those requiring special equipment), between Philadelphia, Pa., and points in Pennsylvania within 10 miles thereof, on the one hand, and, on the other, points in Bergen and Hudson Counties, N.J. The purpose of this filing is to eliminate the gateways of points in Westchester County, N.Y.

No. MC-52861 (Sub-No. E8), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, between points in Wayne and Monroe Counties, Mich., within 40 miles of Monroe, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC-52861 (Sub-No. E10), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed limestone, sand, and pebbles*, from points in Steuben County, Ind., to points in Michigan within 40 miles of Monroe. The purpose of this filing is to eliminate the gateway of Fulton County, Ohio.

No. MC-52861 (Sub-No. E22), filed June 4, 1974. Applicant: WILLS

TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in Wayne and Monroe Counties, Mich., within 40 miles of Monroe, to points in Indiana. The purpose of this filing is to eliminate the gateway of points in Lucas County, Ohio.

No. MC-63417 (Sub-No. E15), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Bedford, Va., to points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC-63417 (Sub-No. E17), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altavista, Va., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, South Carolina, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC-63417 (Sub-No. E22), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Galak, Va., to points in Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC-63417 (Sub-No. E23), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from High Point, Kernersville, Thomasville, and Winston-Salem, N.C. to points in Louisiana. The purpose of this filing is to eliminate the gateway of Stanleytown, Va., points in Virginia, and Macon, Ga.

No. MC-63417 (Sub-No. E24), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814

Hollins Road, NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Roanoke and Rocky Mount, Va., to points in Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC-63417 (Sub-No. E25), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Martinsville, Bassett, and Stanleytown, Va., and points within ten miles of Stanleytown, to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC-64932 (Sub-No. E48), (CORRECTION), filed June 3, 1974, published in the FEDERAL REGISTER June 29, 1974. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid petroleum-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Arkansas, Louisiana, and Mississippi, and those points in Colorado and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill. The purpose of this correction is to clarify the commodities to be transported.

No. MC-64932 (Sub-No. E50), (CORRECTION), filed June 3, 1974, published in the FEDERAL REGISTER June 27, 1974. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid petroleum-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Iowa, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill. The purpose of this correction is to clarify the commodities to be transported.

No. MC-65112 (Sub-No. E1), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points

in Dade, Walker, Catoosa, Floyd, Chattooga, Gordon, Whitfield, Murray, Fannin, Gilmer, Pickens, Dawson, Lumpkin, Union, Towns, White, Hall, Rabun, Habersham, Stephens, Franklin, Hart, and Banks Counties, Ga., on the one hand, and, on the other, points in Arizona, New Mexico, and Mesa, Delta, Garfield, Eagle, Routt, Moffat, and Rio Blanco Counties, Colo. The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, or Houston, Tex.

No. MC-65112 (Sub-No. E2), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Polk, Paulding, Cobb, De Kalb, Gwinnett, Cherokee, Bartow, Fulton, Douglas, Carroll, Haralson, Rockdale, Butts, Barrow, Jackson, Clarke, Oconee, Walton, Morgan, Newton, Henry, Clayton, Fayette, Coweta, Heard, Putnam, and Jasper Counties, Ga., on the one hand, and, on the other, points in Arizona, New Mexico, Texas, those in Larimer, Jackson, Routt, Moffat, Rio Blanco, Garfield, Mesa, Delta, Gunnison, Pitkin, Eagle, Summit, Grand, and Weld Counties, Colo., and those in Cimarron County, Okla. The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, or Houston, Tex.

No. MC-65112 (Sub-No. E3), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Pennsylvania on and east of U.S. Highway 11, on the one hand, and, on the other, points in Arizona, points in that part of New Mexico in and south of McKinley, Valencia, Socorro, Lincoln, De Baca, Roosevelt, and Curry Counties, and points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, or Houston, Tex.

No. MC-65112 (Sub-No. E5), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Virginia on and west of U.S. Highway 81, on the one hand, and,

on the other, points in Arizona, New Mexico (Colfax, Union, and Taos Counties), and those in Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, or Houston, Texas.

No. MC-65112 (Sub-No. E6), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Maryland on and west of U.S. Highway 15, on the one hand, and, on the other, points in Yuma, Maricopa, Tazapal, Pima, Pinal, Santa Cruz, Gila, Graham, Greenlee, and Cochise Counties, Ariz., points in Lea, Eddy, Otero, Dona Ana, Sierra, Luna, Grant, and Hidalgo Counties, N. Mexico, and points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, or Houston, Texas.

No. MC-65112 (Sub-No. E7), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Troup, Harris, Talbot, Marion, Chattahoochee, Muscogee, and Stewart Counties, Ga., on the one hand, and, on the other, points in Arizona, Colorado, New Mexico, Texas, and Oklahoma (except McIntosh, Haskell, Sequoyah, Muskogee, Okmulgee, Tulsa, Wagoner, Cherokee, Adair, Delaware, Mayes, Rogers, Washington, Nowata, Craig, and Ottawa Counties). The purpose of this filing is to eliminate the gateway of points in Florida, and Dallas, Houston, or Fort Worth, Texas.

No. MC-65112 (Sub-No. E8), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Georgia in and south of Screven, Jenkins, Emanuel, Johnson, Wilkinson, Baldwin, Jones, Monroe, Lamar, Pike, Meriwether, Troup, Upson, Taylor, Schely, Sumter, Spalding, Webster, Randolph, and Quitman

Counties, on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, or Houston, Texas.

No. MC-65112 (Sub-No. E9), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pickens, Oconee, Greenville, Anderson, Abbeville, McCormick, Laurens, Spartanburg, Union, Greenwood, Cherokee, York, Lancaster, and Chester Counties, S.C., on the one hand, and, on the other, points in Arizona, New Mexico, Texas, and Colorado (except Yuma, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca Counties). The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, or Houston, Texas.

No. MC-65112 (Sub-No. E10), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Edgefield, Aiken, Barnwell, Bamberg, Orangeburg, Saluda, Lexington, Richland, Sumter, Clarendon, and Calhoun Counties, S.C., on the one hand, and, on the other, points in Arizona, New Mexico, Texas, Colorado (except Yuma, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca Counties), and Oklahoma (except McIntosh, Haskell, Sequoyah, Muskogee, Okmulgee, Tulsa, Wagoner, Cherokee, Adair, Delaware, Mayes, Rogers, Washington, Nowata, Craig, and Ottawa Counties). The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, or Houston, Texas.

No. MC-65112 (Sub-No. 11), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Allendale, Colleton, Dorchester, Berkeley, Hampton, Jasper, Beaufort, Charleston, Williamsburg, Georgetown, Florence, Lee, Kershaw, Chesterfield, Darlington, Marlboro, Dillon, Marion, and Horry Counties, S.C., on the one hand, and, on the other, points in Arizona, Colorado, New Mexico, Oklahoma, Texas, and points in that part of Arkansas in and south of Scott, Montgomery, Garland, Hot Spring, Grant, Jefferson, Arkansas, and Desha Counties.

The purpose of this filing is to eliminate the gateways of points in Florida, and Dallas, Fort Worth, and Houston, Tex.

No. MC-65112 (Sub-No. E12), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, Rhode Island, Massachusetts, and New Hampshire, on the one hand, and, on the other, points in Arizona, Texas, and New Mexico (except Colfax, Union, Taos, Rio Arriba, and San Juan Counties). The purpose of this filing is to eliminate the gateways of Dallas, Houston, or Fort Worth, Tex., Boston, Mass., and points in Massachusetts within 20 miles thereof, and points in Florida.

No. MC-65112 (Sub-No. E13), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of New York on and east of New York Highway 7, on the one hand, and, on the other, points in Arizona, points in Hidalgo, Grant, Luna, Dona Ana, Otero, Eddy, and Lea Counties, N. Mex., and points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Dallas, Fort Worth, or Houston, Tex., and points in Florida.

No. MC-65112 (Sub-No. E14), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N.Y., and points in Westchester, Queens, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, points in Arizona, New Mexico (except Colfax, Union, Taos, Rio Arriba, and San Juan Counties), and points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of Dallas, Fort Worth, or Houston, Tex., and points in Florida.

No. MC-65112 (Sub-No. E15), filed May 30, 1974. Applicant: FOGARTY

BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Vermont, on the one hand, and, on the other, points in Arizona, points in Lea, Eddy, Otero, Dona Ana, Luna, Hidalgo, and Grant Counties, N. Mex., and points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of Dallas, Houston, or Fort Worth, Tex., Boston, Mass., and points in Massachusetts with 20 miles thereof, and points in Florida.

No. MC-76177 (Sub-No. E32) (CORRECTION), filed April 15, 1974, published in the FEDERAL REGISTER July 9, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd St., Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, and *blasting supplies*, between points in Indiana, on the one hand, and, on the other, to points in Utah. The purpose of this filing is to eliminate the gateways of Grafton, Ill., and Atlas, Mo. The purpose of this correction is to clarify the authority as between points—previously published as from point to point.

No. MC-76177 (Sub-No. E36 (CORRECTION)), filed April 15, 1974, published in the FEDERAL REGISTER July 9, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives* and *blasting supplies*, from points in Alabama south of U.S. Highway 78 to points in West Virginia. The purpose of this filing is to eliminate the gateway of McAdory, Ala. The purpose of this correction is to clarify the authority as from points—previously published as between.

No. MC-92068 (Sub-No. E1), filed May 16, 1974. Applicant: MUTUAL TRANSPORTATION, INC., President and Fleet Street, Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, packinghouse products, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment,

and those injurious or contaminating to other lading), from points in the Washington, D.C., Commercial Zone as defined by the Commission to Baltimore, Md. The purpose of this filing is to eliminate the gateway of the facilities of Mutual Pool Car Agency in Washington, D.C.

No. MC-92068 (Sub-No. E2), filed May 16, 1974. Applicant: MUTUAL TRANSPORTATION, INC., President and Fleet Street, Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 7401 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, packinghouse products, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) from points in the Washington, D.C., Commercial Zone as defined by the Commission to Annapolis, Md. The purpose of this filing is to eliminate the gateway of the facilities of Mutual Pool Car Agency in Washington, D.C.

No. MC-95540 (Sub-No. E405), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood), from points in West Virginia, on and east and south of a line beginning at the West Virginia-Kentucky State line, and extending along West Virginia Highway 65 to Logan, thence along U.S. Highway 119 to its junction with U.S. Highway 21, thence along U.S. Highway 21 to its junction with West Virginia Highway 16, thence along West Virginia Highway 16 to its junction with West Virginia Highway 4, thence along West Virginia Highway 4 to its junction with U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC-95540 (Sub-No. E460), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Arkansas, to points in Connecticut. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC-95540 (Sub-No. E465), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd.,

Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Erie and North East, Pa., to points in California. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC-95540 (Sub-No. E479), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, from points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along Texas secondary Highway 125 to its junction with Highway 11; thence along Texas Highway 11 to its junction with Texas Highway 49; thence along Texas Highway 49 to its junction with Interstate Highway 30; thence along Interstate Highway 30 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to Sherman; thence along U.S. Highway 82 to Wichita Falls; thence along U.S. Highway 287 to Amarillo, thence along Interstate Highway 40 to the Texas-New Mexico State line, to points in the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-95540 (Sub-No. E514), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E515), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Erie, Pa., to points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 33 to its junction with Arkansas Highway 16, thence along Arkansas Highway 16 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with Arkansas Highway 18, thence along Arkansas Highway 18 to Arkansas Highway 137, thence along Arkansas Highway 137 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E517), filed May 12, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables* (except commodities in bulk, in tank vehicles), from points in New York to points in Mississippi on and south of a line beginning at the Mississippi-Louisiana State line and extending along Mississippi Highway 33 to its junction with Mississippi Highway 48, thence along Mississippi Highway 48 to its junction with Mississippi Highway 24, thence along Mississippi Highway 24 to McComb, thence along U.S. Highway 98 to Hattiesburg, thence along U.S. Highway 11 to its junction with Mississippi Highway 42, thence along Mississippi Highway 42 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E518), filed May 6, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), and subject to the condition that such commodities as do not require refrigeration shall be transported only in mixed truckloads with commodities requiring refrigeration; from Orangeburg, S.C., to points in Mississippi south and west of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E590), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in New Jersey on and south of U.S. Highway 30 to points in California. The purpose of this filing is to eliminate the gateway of Pike and Spaulding Counties, Ga.

No. MC-95540 (Sub-No. 594), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, unfrozen, in vehicle equipped with mechanical refrigeration, from Hagerstown, Md., to points in Texas. The purpose of this filing is to eliminate the gateway of the

plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E526), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, cheese, cream and milk, including concentrated milk*, from points in Wisconsin, to points in Florida. The purpose of this filing is to eliminate the gateway of Moultrie, Ga.

No. MC-95540 (Sub-No. E589), filed May 29, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Frederick, Baltimore, and Aberdeen, Md., to points in Texas. The purpose of this filing is to eliminate the gateway of Pike and Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E598), filed May 23, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and edible meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Buffalo, N.Y., points in Texas on and south of a line beginning at Del Rio and extending along U.S. Highway 90 to San Antonio, thence along Interstate Highway 10 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E656), filed May 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in New Jersey to points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC-100666 (Sub-No. E71), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing*, from points in Missouri to points in Mississippi. The purpose of this filing

is to eliminate the gateway of West Memphis, Ark.

No. MC-100666 (Sub-No. E73), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sheet iron roofing*, from points in Arkansas to points in Indiana. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC-100666 (Sub-No. E77), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing* from points in Kansas to points in Florida. The purpose of this filing is to eliminate the gateway of West Memphis, Tenn.

No. MC-100666 (Sub-No. E78), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing* from Fort Dodge, Iowa, to points in Louisiana and Texas. The purpose of this filing is to eliminate the gateway of points in Arkansas on, south, and west of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 61 (also known as Interstate Highway 55) to junction U.S. Highway 63 at or near Turrell, Ark., thence along U.S. Highway 63 to the Missouri-Arkansas State line, and points in Oklahoma on and southeast of a line beginning at the Missouri-Oklahoma State line extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line.

No. MC-100666 (Sub-No. E105), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe* from Waco, Tex., to points in Missouri (Ft. Smith, Ark.)*, (2) *Plastic pipe* (except oil field commodities as described by the commission in Mercer Extension—Oil Field commodities, 74 M.C.C. 459) from Waco, Tex., to points in North Carolina (Columbia, Miss.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-106074 (Sub-No. E1), filed June 5, 1974. Applicant: B and P MOTOR LINES, INC., P.O. Box 8, Hazelwood, N.C. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29667.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, but not uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Memphis, Tenn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, South Carolina, Vermont, Virginia, the District of Columbia, points in that part of New York, on and east of New York Highway 14, and points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 220 to Williamsport, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Whittier, N.C.

No. MC-106074 (Sub-No. E2), filed June 5, 1974. Applicant: B AND P MOTOR LINES, INC., P.O. Box 8, Hazelwood, N.C. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated or uncrated, from Hagerstown, Md., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and points in that part of Tennessee on, south, and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Whittier, N.C.

No. MC-106074 (Sub-No. E3), filed June 5, 1974. Applicant: B AND P MOTOR LINES, INC., P.O. Box 8, Hazelwood, N.C. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Allentown, Pa., to points in Alabama and points in that part of Tennessee on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 25/70 to junction U.S. Highway 25E, thence along U.S. Highway 25E to Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Hazelwood, N.C.

No. MC-106074 (Sub-No. E4), filed June 5, 1974. Applicant: B AND P MOTOR LINES, INC., P.O. Box 8, Hazelwood, N.C. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated but not uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Allentown, Pa., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Bryson City, N.C.

No. MC-106074 (Sub-No. E5), filed June 5, 1974. Applicant: B AND P

MOTOR LINES, INC., P.O. Box 8, Hazelwood, N.C. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated but not uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Gardner, Mass., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Bryson City, N.C.

No. MC-107496 (Sub-No. E816), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, July 23, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Douglas and Bayfield Counties, Wis., to points in Missouri. The purpose of this filing is to eliminate the gateway of Minneapolis and Austin, Minn. The purpose of this correction is to indicate the correct "E" number—previously published as E253.

No. MC-109891 (Sub-No. E2), filed April 10, 1974. Applicant: INFINGER TRANSPORTATION CO., INC., P.O. Box 7398, Charleston, Height, S.C. 29405. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Savannah, Ga., to points in Tennessee on and east of a line beginning at the Tennessee-North Carolina State line and extending over U.S. Highway 129 to junction Interstate Highway 75, thence over Interstate Highway 75 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Spartanburg, S.C.

No. MC-110525 (Sub-No. E530), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in that part of Ohio east of U.S. Highway 23 (except points in Lake, Mahoning, Trumbull, and Wayne Counties) to points in New Jersey. The purpose of this filing is to eliminate the gateway of Kobuta, Pa.

No. MC-110525 (Sub-No. E557), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to

points in Illinois, restricted against service from Bridgeville and Clairton, Pa., to points in the Chicago, Ill., commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC-110525 (Sub-No. E558), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston* 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Pennsylvania on and south of Interstate Highway 80 to points in that part of Indiana on and south of a line beginning at the Ohio-Indiana State line, thence along Indiana Highway 22 to Crawfordville, thence along U.S. Highway 136 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC-110525 (Sub-No. E559), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Pennsylvania to points in Iowa. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC-110525 (Sub-No. E560), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in Kansas. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and Addyston, Ohio.

No. MC-110525 (Sub-No. E562), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Pennsylvania to points in Louisiana. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC-111375 (Sub-No. E4), filed May 8, 1974. Applicant: PIRKLE RE-

FRIGERATED, P.O. Box 3358, Madison, Wisc. 53707. Applicant's representative: Charles E. Dye (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from points in California, Idaho, Oregon, and Washington to Chicago, Ill. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin south and west of U.S. Highway 12.

No. MC-111545 (Sub-No. E444), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Somerset and Worcester Counties, Md., on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line, thence along Minnesota-Highway 15 to St. Cloud, thence along U.S. Highway 10 to Little Falls, thence along Minnesota Highway 371 to Cass Lake, thence along U.S. Highway 2 to Deer River, thence along Minnesota Highway 6 to Big Falls, thence along U.S. Highway 71 to International Falls. The purpose of this filing is to eliminate the gateways of (1) Elk Park, N.C., (2) points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and (3) points in Iowa.

No. MC-111545 (Sub-No. E445), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Maryland on and east of a line beginning at the Maryland-Delaware State line, thence along U.S. Highway 301 to Queenstown, thence along U.S. Highway 50 to Salisbury, thence along U.S. Highway 13 to junction Maryland Highway 413, thence along Maryland Highway 413 to Crisfield, on the one hand, and, on the other, points in that part of Iowa on, south, and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E503), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting ma-

chines), the transportation of which, because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E504), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in New Hampshire to points in New Mexico. The purpose of this filing is to eliminate the gateways of Arkoma, Okla., and Ringgold, Ga.

No. MC-111545 (Sub-No. E505), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in New Jersey, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Hugo, Okla.

No. MC-111545 (Sub-No. E506), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in New Jersey, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-112148 (Sub-No. E1), filed May 15, 1974. Applicant: WORSTER-IOWA, INC., Gay Rd., North East, Penn. 16428. Applicant's representative: Joseph T. MacKrell, Esq., 23 West Tenth Street, Erie, Penn. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk, in tank vehicles, and hides), from (a) the plant site and storage facilities utilized by Wilson & Co., at or near Cherokee, Iowa, (b) the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City,

Mo., (c) the plantsite and storage facilities of, or utilized by American Beef Packers, Inc., in Pottawattami County, Iowa, and (d) Mason City, Iowa, to Brocton and Westfield, N.Y., and Erie and North East, Pa. The purpose of this filing is to eliminate the gateway of Decatur or Lawton, Mich.

No. MC-113336 (Sub-No. E1), filed June 4, 1974. Applicant: PETROLEUM TRANSIT CO., P.O. Box 921, Lumberton, N.C. 28358. Applicant's representative: James E. Wilson, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Petroleum and petroleum products*, in containers, from points in Hancock County, W. Va., to points in Florida (except Duval County) and that part of Georgia on and west of U.S. Highway 441 (Guntersville, Ala.). (2) *Lubricating oils and greases*, in containers, from Emlenton and Farmers Valley, Pa., to points in Louisiana, that part of Alabama on and south of U.S. Highway 278, and that part of Mississippi on and south of Interstate Highway 20 (points in North Carolina or South Carolina and Guntersville, Ala.). (3) *Lubricating oils and greases* from St. Mary's, W. Va., to points in Louisiana, Mississippi, Alabama, and that part of Florida on and south of Florida Highway 50 (Guntersville, Ala.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-113459 (Sub-No. E7) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER on July 19, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines). (2) *Commodities* (except those commodities described in (1) above, those used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines, and farm machinery), the transportation of which, because of size or weight, requires the use of special equipment. (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies when moving in connection therewith.

(4) *Earth drilling machinery and equipment*, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance,

and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Ohio to points in Utah. Restriction: The operations authorized in (3) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Oklahoma. The purpose of this correction is to correct the inadvertent omission of the commodities described in (3) and (4) above.

No. MC-113843 (Sub-No. E675), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and points in that part of Connecticut on and east of U.S. Highway 5, and Hartford, Conn. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E676), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Huntington, W. Va., Green Bay and Milwaukee, Wis., Chicago, Ill., points in Indiana, Ohio, and Michigan, and points in that part of Pennsylvania on and west of U.S. Highway 15 to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E679), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in those portions of Delaware, Maryland (except Pocomoke City, Cambridge, and Crisfield), and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E680), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen seafood*, from points in that part of Virginia east of the Chesapeake Bay at Burlington, Vt. The purpose of

this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E681), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in those portions of Delaware, Maryland (except Pocomoke City, Cambridge, and Crisfield), and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E682), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E683), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E684), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E685), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E686), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J.,

to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E687), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E688), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E689), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Allentown, Pa., to points in that portion of Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 20 to junction Ohio Highway 4, thence along Ohio Highway 4 to Marion, thence along U.S. Highway 30S to Lima, thence along Interstate Highway 75 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E690), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E691), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Allentown, Pa., (1) to points in that part of New York on, west, and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to Lake Erie; and (2) to points in that portion of New York on, north, and west of a

line beginning at Lake Ontario at Oswego and extending along New York Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 68, thence along New York Highway 68 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E692), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in that part of Ohio on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E693), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in that portion of Kentucky on and west of a line beginning at the Ohio River at Covington and extending along U.S. Highway 25 to Lexington, thence along U.S. Highway 69 to Glasgow, thence along U.S. Highway 31E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E694), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thoro-fare, N.J., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E695), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Iowa. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E696), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Frozen foods*, from Carteret, N.J., to points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E697), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., (1) to points in that portion of New York on, west, and south of a line beginning at the New York-Pennsylvania State line and extending New York Highway 14 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 353, thence along New York Highway 353 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 428, thence along New York Highway 428 to Lake Erie; (2) to points in that portion of New York on, north, and west of a line beginning at Lake Ontario at Oswego and extending along New York Highway 104 to junction U.S. Highway 11 to Canton thence along New York Highway 68 to the St. Lawrence River; (3) to Ithaca, N.Y. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E698), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E699), filed May 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E700), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-114106 (Sub-No. E1), filed May 19, 1974. Applicant: MAYBELLE TRANSPORT COMPANY, P.O. Box 849, Lexington, N.C. 27292. Applicant's representative: Russell E. Stone, P.O. Box

90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar*, in bulk, in tank vehicles, (a) from Richmond, Va., to points in Alabama, Florida, and Georgia; (b) from Port Wentworth, Ga., to points in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (c) from Lexington, N.C., to points in Maryland, Pennsylvania, and the District of Columbia. (2) *Corn syrup and blends of corn syrups and liquid sugar*, in bulk, in tank vehicles, from Augusta, Ga., to points in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. (3) *Corn syrup*, in bulk, in tank vehicles, (a) from Atlanta, Ga., to points in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (b) from Greenville, S.C., to points in Maryland, Pennsylvania, Virginia, and the District of Columbia; and (c) from Greenville, Tenn., to points in Maryland and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in North Carolina for points in (1) (a), (2), (3) (a) (b) above, Lexington, N.C., for points in (1) (b) above, and Richmond, Va., for points in (1) (c) and (3) (c) above.

No. MC-114552 (Sub-No. E2), filed April 25, 1974. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Composition board*, from Camden, N.J., to points in Tennessee and points in Kentucky on, west, and south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 150 to its intersection with U.S. Highway 25, thence along U.S. Highway 25 to its intersection with U.S. Highway 25E, and thence along U.S. Highway 25E to the Kentucky-Tennessee State line, restricted against the transportation of commodities in bulk. (B) *Ventilator systems*, from Keyser, W. Va., to points in South Carolina on and south of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 95 to its intersection with Interstate Highway 20, and thence along Interstate Highway 20 to the South Carolina-Georgia State line, points in Georgia on and south of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 278 to its intersection with Georgia Highway 16, thence along Georgia Highway 16 to its intersection with Georgia Highway 22, thence along Georgia Highway 22 to its intersection with U.S. Highway 80, and thence along U.S. Highway 80 to the Georgia-Alabama State line, points in Florida, points in Mississippi on and south of Interstate Highway 10, points in Louisiana on and south of a line beginning at the Alabama-Louisiana State line and extending along U.S. Highway 90 to its intersection with U.S. Highway 190, and thence along U.S.

Highway 190 to the Louisiana-Texas State line, and points in Texas on and south of a line beginning at the Louisiana-Texas State line, and extending along U.S. Highway 190 to its intersection with U.S. Highway 87, thence along U.S. Highway 87 to its intersection with U.S. Highway 180, and thence along U.S. Highway 180 to the Texas-New Mexico State line.

(C) *Composition board and plywood*, from Camden, N.J., to points in Florida, Alabama, Mississippi, Arkansas, Louisiana, and Texas.

(D) *Plywood, paneling, wallboard and composition board*, from the facilities of Plywood Panels, Inc., at or near New Orleans, La., to points in West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Vermont, New Hampshire, Maine, points in New York on and north of New York Highway 7, and points in Ohio on and east of Interstate Highway 77, restricted to the transportation of traffic either (a) having a prior movement by water, or (b) originating at the above-described origin point. (E) *Composition wood and composition wood products*, from the plant and warehouse sites of Weyerhaeuser Company at Adel, Ga., to points in Michigan, Wisconsin, Indiana, Ohio, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Maine, New Hampshire, Vermont, the District of Columbia, points in New York on and north of New York Highway 7, and points in Illinois on and north of a line beginning at the Illinois-Missouri State line and extending along Interstate Highway 70 to its intersection with Illinois Highway 33, and thence along Illinois Highway 33 to the Illinois-Indiana State line, restricted to the transportation of traffic originating at the plant and warehouse sites of Weyerhaeuser Company, at Adel, Ga. (F) *Fiberboard and fiberboard products*, from the plant site of the Masonite Corporation located at or near Spring Hope, Inc., to points in Illinois, Indiana, Wisconsin, and Michigan, restricted against the transportation of commodities in bulk. (G) *Plywood*, from the facilities of Plywood Panels, Inc., at or near New Orleans, La., to points in New York and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 100 to its intersection with U.S. Highway 221, thence along U.S. Highway 221 to its intersection with U.S. Highway 52, and thence along U.S. Highway 52 to the Virginia-North Carolina State line, restricted to transportation of traffic either (a) having a prior movement by water or (b) originating at the above-described origin point.

(H) *Fertilizer and fertilizer materials*, in bags, from Wilmington, N.C., to points in Georgia. (I) *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Screven County, Ga., to points in North Carolina, (except (1) those points west of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 441 to its intersection with North Carolina Highway 28, and thence along North Carolina Highway 28 to the North Carolina-Tennessee State line, (2) points in Mecklenburg County, and (3) points in that part of North Carolina bounded by a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 49 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with U.S. Highway 501, and thence along U.S. Highway 501 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the following gateways: (1) the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., for A and F above; (2) Tabor City, N.C., for B above; (3) Greenwood County, S.C., for C, D, and E above; (4) the plant sites of Holly Hill Lumber Company, at or near Holly Hill and Walterboro, S.C., and Charlotte, N.C., or the plant site and warehouse facilities of Vancouver Plywood Company at Charlotte, N.C., for G above; and (5) Roebuck or Charleston, S.C., for H and I above.

No. MC-115273 (Sub-No. E1), filed May 16, 1974. Applicant: ACME CARRIERS, INC., 216 3rd Street, Brooklyn, N.Y. 11215. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes L and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Hudson, Bergen, Essex, Passaic, and Union Counties, N.J., to Chicago, Ill. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC-116014 (Sub-No. E3), filed May 12, 1974. Applicant: OLIVER TRUCKING COMPANY, INCORPORATED, P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Ralph Oliver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Memphis, Covington, Jackson, and Nashville, Tenn., to points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Allen County, Ky.

No. MC-118959 (Sub-No. E2), filed May 15, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (a) from Franklin, Va., the plant site and storage facilities utilized by Hudson Pulp and Paper Corp., in Putnam County, Fla., the plant sites and storage facilities utilized by Terminal Paper Bag Co., Inc., at Yulee, Fla., and the plant site and storage facilities utilized by the St. Regis Paper Company

at or near Cantonment, Fla., to points in Colorado (except Denver) (the plant site of Union Camp Corporation at Afton, Mo.)*, and (b) from the plant sites and storage facilities utilized by Hudson Pulp and Paper Corp. in Putnam County, Fla., the plant sites and storage facilities utilized by Terminal Paper Bag Co., Inc., at Yulee, Fla., the plant site of the West Virginia Pulp and Paper Company at or near Wichliffe, Ky., and the plant site and storage facilities utilized by the St. Regis Paper Company at or near Cantonment, Fla., to points in Delaware and New Jersey (Franklin, Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-118959 (Sub-No. E3), filed May 13, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from the plant sites and facilities of The Mead Corporation at or near Chillicothe and Schooleys, Ohio, and Kingsport and Gray, Tenn., to points in that part of Georgia on and south of a line beginning on the Florida-Georgia State line, thence along U.S. Highway 319 to Thomasville, thence along Georgia Highway 122 to Waycross, thence along U.S. Highway 84 to the Atlantic Ocean (the plant sites and storage facilities utilized by Terminal Paper Bag Co., Inc., at Yulee, Fla.)*; (2) from the plant sites and facilities of The Mead Corporation at or near Chillicothe and Schooleys, Ohio, to points in that part of Alabama on and south of a line beginning at the Florida-Alabama State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line, that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi-Louisiana State line, that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line, thence along Texas Highway 63 to Jasper, thence along U.S. Highway 190 to Bryan, thence along Texas Highway 21 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 377, thence along U.S. Highway 377 to the International Boundary line between the United States and Mexico (the plant site and storage facilities utilized by St. Regis Paper Company at or near Cantonment, Fla.)*; and (3) from the plant sites and facilities of The Mead Corporation at or

near Kingsport and Gray, Tenn., to points in Arizona, that part of Alabama-Florida State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence along U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line, that part of Mississippi on the south of a line beginning at the Alabama-Mississippi State line, that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line.

Thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line, that part of Texas on, south, and west of a line beginning at the Louisiana-Texas State line, thence along Texas Highway 21 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to Corsicana, thence along Texas Highway 22 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 36, thence along Texas Highway 36 to Abilene, thence along U.S. Highway 84 to the Texas-New Mexico State line, and that part of New Mexico on, south, and west of U.S. Highway 84 (the plant site and storage facilities utilized by St. Regis Paper Company at or near Cantonment, Fla.) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-118959 (Sub-No. E5), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Franklin, Va., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plant site of Union Camp Corporation at Normal, Ill.

No. MC-118959 (Sub-No. E6), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Honeycomb paper products*, from the plant and warehouse sites of Union Camp Corporation at Glens Falls, N.Y., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plant site of Union Camp Corporation at Normal, Ill.

No. MC-118959 (Sub-No. E7), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Honeycomb paper products*, from the plant and warehouse sites of Union Camp Corporation at Kalamazoo, Mich., to points in that part of Minnesota on, north, and west of the line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 71 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210, to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 169, thence along Minnesota Highway 169, to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 2, thence along Minnesota Highway 2, to Lake Superior. The purpose of this filing is to eliminate the gateway of the plant site of Union Camp Corporation at Normal, Ill.

No. MC-118959 (Sub-No. E8), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site and storage facilities utilized by the St. Regis Paper Company, at or near Cantonment, Fla., to points in that part of Nebraska, on and north of a line beginning at the Missouri-Nebraska State line, thence along U.S. Highway 136 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of the plant site of Union Camp Corporation at Normal, Ill.

No. MC-118959 (Sub-No. E9), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from the plant site of Charmin Paper Products Co., near Neely's Landing, Mo., to points in Minnesota, Wisconsin, and the Lower Peninsula of Michigan, that part of Nebraska on and north of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 83 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Iowa-Nebraska State line, and that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to junction Ohio Highway 49, thence along Ohio Highway 49 to Dayton, thence along U.S. Highway 35 to the Ohio-West

Virginia State line (except Columbus, Dayton, and Springfield, and points within their commercial zones as defined by the Commission). The purpose of this filing is to eliminate the gateway of the plant site of Union Camp Corporation at Normal, Ill.

No. MC-118959 (Sub-No. E11), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except commodities in bulk), from the plant sites and storage facilities of Terminal Paper Bag Co., Inc., at Yulee, Fla., to points in Washington, Oregon, Utah, and Colorado; and (2) *materials* used in the processing or manufacture of paper products (except commodities in bulk and those which, because of size or weight, require special equipment and handling), from points in Washington and Oregon to the plant sites and storage facilities of Terminal Paper Bag Co., Inc., at Yulee, Fla. The purpose of this filing is to eliminate the gateway of Taylorville, Ill.

No. MC-118959 (Sub-No. E12), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except commodities in bulk), from the plant sites and storage facilities utilized by Hudson Pulp and Paper Corporation, in Putnam County, Fla., to points in Washington, Oregon, Utah, and Colorado; (2) *materials* used in the processing or manufacture of paper products (except commodities in bulk and those which, because of size or weight, require special equipment and handling), from points in Oregon and Washington to the plant sites and storage facilities of Hudson Pulp and Paper Corp., in Putnam County, Fla. The purpose of this filing is to eliminate the gateway of Taylorville, Ill.

No. MC-118959 (Sub-No. E13), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (except commodities in bulk), from the plant site of the West Virginia Pulp and Paper Company at or near Wickliffe, Ky., to points in Washington, Oregon, California, Utah, Colorado; and (2) *Materials and supplies* used in the manufacture and processing of paper and paper products (except commodities in bulk), from points in Oregon and Washington to the plant site of the West Virginia Pulp and Paper

Company at or near Wickliffe, Ky. The purpose of this filing is to eliminate the gateway of Taylorville, Ill.

No. MC-118959 (Sub-No. E15), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsites and storage facilities utilized by Terminal Paper Bag Co., Inc., at Yulee, Fla., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plantsite of Union Camp Corporation at Normal, Ill.

No. MC-118959 (Sub-No. E16), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of the West Virginia Pulp and Paper Company at or near Wickliffe, Ky., to points in that part of Nebraska on and north of a line beginning at the Colorado-Nebraska State line, thence along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction and Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of the plantsite of Union Camp Corporation at Normal, Ill.

No. MC-118959 (Sub-No. E22), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except commodities in bulk), from the plantsite of Charmin Paper Products Co., near Neely's Landing, Mo., to points in Washington, Oregon, Utah, and Colorado; (2) *Materials, equipment, and supplies*, used in the manufacture and processing of paper and paper products (except commodities in bulk), from points in Washington and Oregon to the plantsite of Charmin Paper Products Co., near Neely's Landing, Mo. The purpose of this filing is to eliminate the gateway of Taylorville, Ill.

No. MC-118959 (Sub-No. E23), filed May 9, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63601. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Honeycomb paper products* (except commodities in bulk), from the plant and warehouse sites of Union Camp Corporation

at Glens Falls, N.Y., to points in Washington, Oregon, California, Utah, Colorado, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway of Taylorville, Ill.

No. MC-123383 (Sub-No. E15), filed June 4, 1974. Applicant: BOYLE BROS., INC., 941 South 2d Street, Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* are as dealt in by wholesale and retail hardware stores when moving from, to or between the warehouses, retail stores, or any other facilities of producers, or distributors of such commodities (except iron and steel products and commodities in bulk), from points in that part of Connecticut on and west of the Connecticut River to points in that part of New Jersey south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Roseland, N.J.

No. MC-123383 (Sub-No. E28), filed June 4, 1974. Applicant: BOYLE BROS., INC., 941 South 2d Street, Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* (except structural steel, iron and steel products, and commodities in bulk), from points in Massachusetts and Rhode Island to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Kansas, Tennessee, West Virginia, Minnesota, Iowa, Missouri, Wisconsin, and Nebraska. The purpose of this filing is to eliminate the gateways of New York, N.Y., and the facilities utilized by Celotex Corporation at Jamesburg, N.Y.

No. MC-123383 (Sub-No. E29), filed June 4, 1974. Applicant: BOYLE BROS., INC., 941 South 2d St., Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products and materials, accessories, and supplies* used in the installation of the above named commodities (except structural steel, iron and steel products, and commodities in bulk), from points in Massachusetts and Rhode Island to points in that part of North Carolina on and east of U.S. Highway 301, restricted to the transportation of such above-specified commodities as are building materials. The purpose of this filing is to eliminate the gateways of New York, N.Y., and Pittston, Pa.

No. MC-123383 (Sub-No. E35), filed June 4, 1974. Applicant: BOYLE BROS., INC., 941 South 2d St., Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum prod-*

ucts, asphalt and composition roofing products, composition boards, urethane and urethane products and insulation materials (except commodities in bulk and commodities, the transportation of which, because of size or weight, requires special equipment), which are building materials, from the plantsite of Flinkote Company at Camden, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, and Mississippi. The purpose of this filing is to eliminate the gateway of the plantsite and facilities of Celotex Corporation located at or near Philadelphia, Pa.

No. MC-123383 (Sub-No. E36), filed June 4, 1974. Applicant: BOYLE BROS., INC., 941 South 2d St., Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and materials, accessories and supplies* used in the installation of the above-named commodities (except commodities in bulk and commodities, the transportation of which, because of size or weight, requires the use of special equipment), as are building materials, from the plantsite of Flinkote Company at Camden, N.J., to points in Minnesota, Iowa, Kansas, Missouri, Wisconsin, and Nebraska. The purpose of this filing is to eliminate the gateway of Pittston, Pa.

No. MC-124090 (Sub-No. E1), filed April 12, 1974. Applicant: TRANSPORTES AZTECA, East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Bernard F. Flynn, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except commodities in bulk, those requiring special equipment, household classes A and B explosives), between Laredo and Brownsville, Tex., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New Jersey, points in New York and Pennsylvania on and east of U.S. Highway 15, points in Maryland, on and east, and north of a line beginning at the Maryland-Pennsylvania State line, and extending along U.S. Highway 15 to junction Maryland Highway 26, thence over Maryland Highway 26 to the Chesapeake Bay, and points in Delaware on and north of Delaware Highway 8. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC-124802 (Sub-No. E26), filed May 21, 1974. Applicant: SCE MOTOR FREIGHT, INC., P.O. Box 127, Summer-ville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Refractory products* used in the manufacture of clay products (except in bulk), from points in that part

of North Carolina in and west of Madison, Buncombe, and Henderson Counties, to points in that part of Connecticut on, east, and north of a line beginning at New London, thence along Connecticut Highway 85 to junction Connecticut Highway 2, thence along Connecticut Highway 2, to junction U.S. Highway 44, thence along U.S. 44 to the Connecticut-New York State line. The purpose of this filing is to eliminate the gateway of the plantsite of the New Bethlehem Tile Company at Porter Township (Clarion County), Pa.

No. MC-138960 (Sub-No. E3), filed June 4, 1974. Applicant: KOBROS TRANSPORTATION SYSTEM, INC., P.O. Box 169, Columbus, Ohio 43216. Applicant's representative: Robert E. Konkler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale food business houses and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, when moving from, to or between wholesale food business house outlets, or other facilities of such establishments, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Alabama, Arkansas, Louisiana, Mississippi, points in that part of Kentucky west of U.S. Highway 31 E, points in that part of Tennessee on and west of U.S. Highway 65, and points in that part of Georgia on and west of a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 75 to junction Georgia Highway 32, thence along Georgia Highway 32 to junction U.S. Highway 25, thence along U.S. Highway 25 to Brunswick. The purpose of this filing is to eliminate the gateway of Dale, Ind.*

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc. 74-18807 Filed 8-14-74; 8:45 am]

[Notice No. 64]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 9, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before September, 1974. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules

should comply with § 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, on or before October 15, 1974, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC-340 (Sub-No. 33), filed July 2, 1974. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa*

Beef Processors, Inc., located at or near Amarillo, Tex., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 2860 (Sub-No. 143), filed June 23, 1974. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Robert W. Gerson, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass materials and fiberglass products, fibrous glass, mineral wool products, fibrous glass textile materials, fibrous glass textile products, plastic materials and plastic products (except plastic bottles) from the plantsite of Owens-Corning Fiberglass Corporation, at or near Selkirk, in the Town of Bethlehem, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) rejected or damaged material, on return, to the plantsite of Owens-Corning Fiberglass Corporation, at or near Selkirk, in the Town of Bethlehem, N.Y.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2900 (Sub-No. 265), filed June 24, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cast iron and brass valves, cast iron pressure pipe, fire hydrants and fire hydrant sections, from the plantsite and storage facilities of the Mueller Co., located at or near Albertville, Ala., to points in the United States (except Alaska and Hawaii); and (2), Components, parts, attachments, accessories and supplies used in connection with commodities described in (1) above, from the plantsite and storage facilities of the Mueller Co., located at Chattanooga, Tenn., to points in Texas; (1) and (2) above, restricted to the transportation of shipments originating at the named origins and destined to points in the described destination territory.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 3246 (Sub-No. 17), filed June 27, 1974. Applicant: MASTERSON TRANSFER CO., INC., 300 Pennsylvania Avenue, West Extension, Warren, Pa. 16365. Applicant's representative: Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701.

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, machinery parts, steel forgings, crankshafts, periscope tubes, centrifugal pipe molds, steel bars and steel billets*, between Irvine, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia and (2) *equipment, materials and supplies* used or useful in the manufacturing of steel forgings, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Irvine, Pa.

NOTE.—Applicant holds contract carrier authority in MC-136886, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Erie or Pittsburgh, Pa., or Washington, D.C.

No. MC 5470 (Sub-No. 98), filed June 28, 1974. Applicant: TAJON, INC., Rural Delivery 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 918 16th St. NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of alloys, in dump vehicles, (1) from points in Connecticut, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, to Ashtabula, Ohio, and Marietta, Ohio, and (2) from points in Connecticut, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, and Pennsylvania, to Alloy, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC-10761 (Sub-No. 266), filed June 24, 1974. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical distribution transformers*, from the plantsite and warehouse facilities of the RTE Corporation at Waukesha, Wis., to points in Pennsylvania, New York, Maryland, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 10761 (Sub-No. 267), filed June 26, 1974. Applicant: TRANSAMERICAN FREIGHT LINES, INC.,

5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC-19537 (Sub-No. 5), filed July 10, 1974. Applicant: MARJORIE CLARK BEAN and MARJORIE C. TUCKER, a partnership, doing business as CLARK TRUCK LINE, 660 Carnation, Tupelo, Miss. 38801. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of FMC Corporation 3.8 miles north of Tupelo, Miss., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 22195 (Sub-No. 157), filed July 16, 1974. Applicant: DAN DUGAN TRANSPORT COMPANY, a Corporation, 41st and Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run, and soybean hulls*, dry, in bags or bulk, from the plantsite of Farmland Industries located at Sergeant Bluff, Iowa, to points in Kansas, Minnesota, Missouri, Nebraska, Wyoming, South Dakota, North Dakota, and Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 22254 (Sub-No. 75), filed July 3, 1974. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 12301 West Freeway, P.O. Box 12608, Fort Worth, Tex. 76116. Applicant's representative: Elliott Bunce and John C. Bradley, 618 Perpetual Building, 1111 E Street NW.,

Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures, and wood products*, related to store fixtures, between Ogden, Utah, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Fort Worth, Tex., or Washington, D.C.

No. MC-25798 (Sub-No. 263), filed June 28, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, P.O. Box 1186, Auburn-dale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Kaplan Industries, Inc., located at or near Bartow, Fla., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Tampa, or Orlando, Fla.

No. MC-29910 (Sub-No. 146), filed June 24, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the Port of Fort Smith, Fort Smith, Ark., to points in Arkansas, Oklahoma, Missouri and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Smith or Little Rock, Ark.

No. MC-30844 (Sub-No. 512), filed June 27, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler and Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina,

Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC-33037 (Sub-No. 19), filed July 15, 1974. Applicant: **STUDER TRUCK LINE, INC.**, Beattie, Kans. 66406. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plant site and storage facilities of Cooperative Farm Chemicals Assn., located at or near Lawrence, Kans., to points in Colorado, Iowa, Nebraska, Missouri, Oklahoma, Illinois, Texas, Minnesota, North Dakota, South Dakota, Arkansas, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC-42487 (Sub-No. 824), filed July 12, 1974. Applicant: **CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE**, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant and warehouse facilities of Valley Tow Rite, Inc., located at or near Shelbyville, Ky., as an off-route point in connection with carrier's presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC-51146 (Sub-No. 383), filed July 5, 1974. Applicant: **SCHNEIDER TRANSPORT, INC.**, 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC-51146 (Sub-No. 387), filed July 15, 1974. Applicant: **SCHNEIDER TRANSPORT, INC.**, 2661 South Broad-

way, Green Bay, Wis. 54304. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, with or without caps or covers, from the plantsite of Owens-Illinois at Chicago, Ill., to points in Wisconsin, Michigan, Indiana, Ohio, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC-51146 (Sub-No. 389), filed July 17, 1974. Applicant: **SCHNEIDER TRANSPORT, INC.**, 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric motors and electric generators, and parts for electric motors and electric generators*, from Indianapolis, Ind., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the plantsites and warehouse facilities of Marathon Electric Manufacturing Co. at Indianapolis, Ind.; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of electric motors and electric generators, and *parts for electric motors and electric generators* (except commodities in bulk), and *used electric motors and used electric generators*, from points in the United States (except Alaska and Hawaii), to Indianapolis, Ind., restricted to the transportation of shipments destined to the plantsites and warehouse facilities of Marathon Electric Manufacturing Co. at Indianapolis, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 61440 (Sub-No. 138) (Amendment), filed January 23, 1974, published in the *FEDERAL REGISTER* issue of April 4, 1974, and republished as amended, this issue. Applicant: **LEE WAY MOTOR FREIGHT, INC.**, 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Exchange Branch, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between St. Louis, and Kansas City, Mo., serving no intermediate points and serving St. Louis, Mo., and Kansas City, Mo., as a points of joinder only: From St. Louis, Mo., over Interstate Highway 70, to Kansas City, Mo., and return over the same route. (2) Between Kansas City, Mo., and Denver, Colo., serving no intermediate points and serving Kansas City, Mo., as a point of joinder only: From Kansas City, Mo.,

over Interstate Highway 70, to Seibert, Colo., thence over U.S. Highway 24 to the intersection of U.S. Highway 24 and U.S. Highways 40 and 287, approximately two miles west of Limon, Colo., thence over U.S. Highways 40 and 287 to their junction with Interstate Highway 70, thence over Interstate Highway 70 to Denver, Colo., and return over the same route, as alternate routes for operating convenience only in conjunction with applicant's presently authorized regular route operations between St. Louis, Mo., and Denver, Colo.; restricted against any traffic originating at, interlined at or destined to St. Louis, Mo.; Chicago, Ill.; and Kansas City, Mo., or points in their respective commercial zones.

NOTE.—The purpose of this republication is to amend the requested authority. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla. or Washington, D.C.

No. MC 64832 (Sub-No. 4), filed June 24, 1974. Applicant: **MAGNOLIA TRUCK LINE, INC.**, 3097 Fontaine Road, Memphis, Tenn. 38116. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, household goods, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), serving the facilities of Mississippi Power & Light Company located at or near Grand Gulf, Miss., as an off-route point in connection with applicant's regular route operations between Memphis, Tenn., and Port Gibson, Miss.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC-64932 (Sub-No. 533), filed July 1, 1974. Applicant: **ROGERS CARTAGE CO.**, a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsites of Monsanto Company at Everett and Springfield, Mass. and Bridgeport and Kearny, N.J., to points in Illinois, Missouri, and Kansas City, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC-67450 (Sub-No. 50), filed June 24, 1974. Applicant: **PETERLIN CARTAGE CO.**, a Corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs, and materials, equipment, and supplies* when moving in conjunction with the foregoing commodities, from the plantsites, warehouses and facilities utilized by General

Mills, Inc., located at Chicago, West Chicago, and St. Charles, Ill., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 71642 (Sub-No. 17), filed June 21, 1974. Applicant: N. S. DESHONG, 3201 Millcreek Road, Wilmington, Del. 19808. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products* in containers, between Kennett Square, Pa., and Marietta, Ga., under contract with NVF Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 72243 (Sub-No. 42), filed July 15, 1974. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, P.O. Box 350, 2507 Youngstown Road S.E., Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical substations*, complete, knocked down or in sections; *component parts or electrical substations*; and *parts, accessories, implements and supplies* used or useful in the erection and/or installation of electrical substations, from points in Shelby County, Ala., to points in Tennessee, Kentucky, Alabama, Mississippi, Arkansas, North Carolina, South Carolina, Georgia, Florida, Virginia, Missouri, Iowa, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Ohio, West Virginia, Pennsylvania, Maryland, Louisiana, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 72243 (Sub-No. 43), filed July 15, 1974. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon*, from the plantsite and storage facilities of, and/or used by, Schuler Industries, Inc., located at or near Birmingham, Ala., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC-76032 (Sub-No. 309), filed July 1, 1974. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting:

General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Wichita, Kans. and Chickasha, Okla., serving no intermediate points, but serving Wichita, Kans., for purposes of joinder only: From Wichita, Kans. over Interstate Highway 35 to junction H. E. Bailey Turnpike at Oklahoma City, Okla., thence over the H. E. Bailey Turnpike to Chickasha, Okla., and return over the same route, restricted to traffic moving to or from points on and east of the Mississippi River.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC-76629 (Sub-No. 6), filed June 20, 1974. Applicant: OVERLAND FREIGHT LINES, INC., P.O. Box 31136, Indianapolis, Ind. 46206. Applicant's representative: Donald W. Smith, Suite 2465 # One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, and paper products*, between the plantsite of Inland Container Corporation, at Cayuga, Ind., on the one hand, and, on the other, points in Kentucky, Ohio, Michigan, Illinois, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC-82492 (Sub-No. 109), filed July 5, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to point in Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or Washington, D.C.

No. MC-82492 (Sub-No. 110), filed July 5, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Luverne, Minn., to points in Indiana, Michigan, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or Washington, D.C.

No. MC-92633 (Sub-No. 27), filed July 5, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, Idaho 83501. Applicant's representative: Edward G. Rawle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or junk batteries*, from Carbon, Utah, and Salt Lake, Weber, and Box Elder Counties, Utah, to King County, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 95084 (Sub-No. 106), filed June 24, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Agricultural implements and machinery, farm machinery, implements and equipment, industrial and construction machinery and equipment, and parts attachments, and accessories for agricultural implements and machinery, farm machinery, implements and equipment, industrial and construction machinery and equipment, from Cherokee and Forest City, Iowa; Minneapolis and Thief River Falls, Minn., to points in the United States (except Alaska and Hawaii); and (2) Materials, equipment, and supplies used in the manufacture, processing, sale and distribution of the commodities named in (A) (1) above, from points in the United States (except Alaska and Hawaii) to Cherokee and Forest City, Iowa, and Minneapolis and Thief River Falls, Minn.; (B) (1) *Agricultural implements machinery and equipment, industrial and construction machinery and equipment, parts, accessories, and attachments for agricultural implements machinery and equipment, industrial and construction machinery and equipment, from Beatrice, Nebr., to points in the United States (except Alaska and Hawaii); and (2) Materials, equipment, and supplies used in the manufacture, processing, sale and distribution of the commodities named in (B) (1) above, from points in the United States (except Alaska and Hawaii) to Beatrice, Nebr.; (C) (1) *Agricultural and farm implements, machinery and equipment, industrial and construction machinery and equipment, attachments and accessories and parts for agricultural and farm implements, machinery and equipment, from Selma, Ala.; Peru, Ind.; Fort Dodge, Iowa; Galesburg, Kans.; and Brady, Tex.; to points in the United States (except Alaska and Hawaii); (2) Semi-trailers designed to be pulled by truck tractors, from Brady, Tex., to points in the United States (except Alaska and Hawaii); and (3) Materials, equipment, and supplies, used in the manufacture, processing,***

sale and distribution of the commodities in (C)(1) and (C)(2) above, from points in the United States (except Alaska and Hawaii) to Selma, Ala.; Peru, Ind.; Fort Dodge, Iowa; Galesburg, Kans.; and Brady, Tex.; and (D) *Materials, equipment, and supplies*, used in the manufacture, processing, sale and distribution of agricultural and farm implements and machinery, and parts and attachments for agricultural and farm implements and machinery, from points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and Wisconsin to Perry, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 95540 (Sub-No. 908), filed June 28, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from points in Massachusetts and New York, to points in Florida and Georgia, restricted to products originating at the plantsite and storage facilities of Howard Johnson Company and destined to the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97270 (Sub-No. 6), filed July 1, 1974. Applicant: REYCO MOTOR EXPRESS, INC., 5412 South 24th Street, Fort Smith, Ark. 72901. Applicant's representative: David A. Sutherland, 2001 Massachusetts Avenue NW, Washington, D.C. 20036. Authority sought to operate as *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment): (1) Between Ft. Smith, Ark. and Jackson, Miss.: From Ft. Smith, Ark. over U.S. Highway 64 to Little Rock, Ark., thence over U.S. Highway 65 to Lake Village, Ark., thence over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to Vicksburg, Miss., thence over U.S. Highway 80 to Jackson, Miss., and return over the same route, serving North Little Rock and Little Rock, Ark., Greenville and Vicksburg, Miss. (except on traffic between Jackson and Vicksburg, Miss.), and Clinton Industrial Park at or near Clinton, Miss. as intermediate points, restricted against serving points in Oklahoma within the Ft. Smith Commercial Zone as defined by the Commission; (2) Between Danville and Little Rock, Ark.: From Danville over Arkansas Highway 10 to Little Rock, and return over the same route, serving all intermediate points; (3) Between Arkansas River and Plainview, Ark.: From

the Arkansas River over Arkansas Highway 60 to Plainview, and return over the same route, serving all intermediate points; (4) Between the junction of Arkansas Highways 60 and 113 and the junction of Arkansas Highways 113 and 110: From the junction of Arkansas Highways 60 and 113 over Arkansas Highway 113 to junction Arkansas Highway 10, and return over the same route, serving all intermediate points and serving Fourche, Ark. as an off-route point; (5) Between Ola, Ark. and the junction of Arkansas Highways 7 and 60: From Ola over Arkansas Highway 7 to junction Arkansas Highway 60, and return over the same route, serving all intermediate points; (6) Between Ola and Rover, Ark.: From Ola over Arkansas Highway 28 to Rover, and return over the same route, serving all intermediate points and serving Kingston, Ark. as an off-route point; (7) Between Rover and Danville, Ark.: From Rover over Arkansas Highway 27 to Danville, and return over the same route, serving all intermediate points; and (8) Between Booneville and State Sanatorium, Ark.: From Booneville over Arkansas Highway 116 to junction Arkansas Highway 23, thence over Arkansas Highway 23 to State Sanatorium and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. and Jackson, Miss.

No. MC 95876 (Sub-No. 155), filed June 27, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Niles and Gibraltar, Mich., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Detroit, Mich.

No. MC 99948 (Sub-No. 3), filed July 1, 1974. Applicant: MCKOIN TRUCKING CO., INC., 6644 Airline Highway, Baton Rouge, La. 70805. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor fuel anti-knock compound* in bulk, in portable tanks on flat bed trailers, from Port Allen and Baton Rouge, La., to New Orleans, La.; and (2) *empty portable tanks* used in the transportation of Motor Fuel Anti-Knock Compound, from New Orleans, La., to Port Allen and Baton Rouge, La.; (1) and (2) above, restricted to traffic having a prior or subsequent movement by water.

NOTE. If a hearing is deemed necessary, the applicant requests it be held at Baton Rouge, La. or New Orleans, La.

No. MC 100449 (Sub-No. 50), filed June 20, 1974. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 100449 (Sub-No. 51), filed July 15, 1974. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas F. Leahy, 900 Hubbell Bldg., 904 Walnut Street, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Hunter Packing Co., Division of John Morrell and Co., located at or near East St. Louis, Ill., to Sioux Falls, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. or Omaha, Nebr.

No. MC-103051 (Sub-No. 315), filed July 5, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 834 44th Ave. North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives, dextrine and plastics*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Florida, Georgia, Mississippi, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC-103435 (Sub-No. 221), filed July 8, 1974. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince St., P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equip-

ment; Between Great Bend, Kans. and Denver, Colo., serving intermediate points and serving Denver, Colo., for purpose of joinder, or for the purpose of interline with Ringsby Truck Lines, Inc. only. From Great Bend, Kans., over U.S. Highway 281 to junction Interstate Highway 70, thence over Interstate Highway 70 to Denver and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Wichita, Kans.

No. MC 103993 (Sub-No. 823), filed July 3, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: James B. Buda and Paul D. Borghesani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles, in initial movements, from points in Richland Parish, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC-105350 (Sub-No. 25), filed June 21, 1974. Applicant: NORTH PARK TRANSPORTATION, CO., a Corporation, 5150 Columbine Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except commodities in bulk, commodities of unusual value, household goods as defined by the Commission, and commodities which, because of size or weight, require the use of special equipment). (1) Between junction Interstate Highway 70 and U.S. Highway 40, near Empire, Colo., and the Henderson mine, mill and tunnel site of American Metal Climax, Inc., located in Grand County, Colo., for operating convenience only, serving no intermediate points: From junction Interstate Highway 70 and U.S. Highway 40, near Empire, Colo., over Interstate Highway 70 to junction Colorado State Highway 9, thence northwesterly approximately 11 miles to junction unnumbered County road, thence easterly on said County road via Ute Pass, to the Henderson mine, mill and tunnel site and return. (2) Between Kremmling, Colo., and the Henderson mine, mill and tunnel site of American Metal Climax, Inc., located in Grand County, Colo., as an alternate route for operating convenience only, serving no intermediate points: From Kremmling southeasterly over Colorado State Highway 9, approximately 27 miles to junction unnumbered County road, thence easterly on said County road via Ute Pass to the Henderson mine, mill and tunnel site, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 105566 (Sub-No. 104), filed July 1, 1974. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, Va. 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Heating and air conditioning equipment and parts thereof (except commodities, the transportation of which because of size or weight require the use of special equipment), (1) from Columbus, Ohio, to points in Montana, Wyoming, North Dakota, and South Dakota and (2) from Bellevue, Ohio, to points in Montana, Wyoming, North Dakota, South Dakota, Arizona, California, Oregon, Washington, Nevada, Idaho, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC-105566 (Sub-No. 105), filed July 1, 1974. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic articles, printed matter, games, toys, puzzles, playing cards, pencils, crayons, writing slates, store display racks, telescopes, microscopes, paint brushes, and paints, from Fayetteville, N.C., to points in Louisiana, Mississippi, Texas, Missouri, Iowa, Arkansas, Illinois, Oklahoma, Kansas, Nebraska, Indiana, Wisconsin, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Montana, Washington, Oregon, and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC-106400 (Sub-No. 102), filed July 3, 1974. Applicant: KAW TRANSPORT COMPANY, a Corporation, P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, Mo. 65101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, from the plantsite of Reichhold Chemicals, Inc., at Kansas City, Kans., to Connecticut, Delaware, Florida, Idaho, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106644 (Sub-No. 188), filed July 15, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Self-propelled paving machines, and trailers and

parts therefor, from the plantsites of Puckett Bros. Manufacturing Co., located in Gwinnett County, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC-107064 (Sub-No. 105), filed June 28, 1974. Applicant: STEERE TANK LINES, INC., 2808 Fairmount, P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum, petroleum products, and chemicals, in bulk, in tank vehicles, from points in Galveston and Harris Counties, Tex., to points in the United States in and west of New Mexico, Colorado, Wyoming, and Montana (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107107 (Sub-No. 439), filed July 16, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue (LeJeune Rd.), Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Molding compounds, granulated resin, and liquid plastics (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to points in New Jersey, New York, South Carolina, Maryland, Pennsylvania, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC-107515 (Sub-No. 937), filed July 1, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pesticides, herbicides, and chemicals (except in bulk), from the plantsite of Monsanto Company at or near Muscatine, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC-107743 (Sub-No. 28), filed June 27, 1974. Applicant: SYSTEM TRANSPORT, INC., 6523 East Broadway, P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, building panels, building parts, and materials, accessories, and supplies used in the installation, erection, and construction of buildings, panels, and parts, from Galesburg, Ill.; Kansas City Mo.; and Visalia, Calif., to points in Idaho, Oregon, Washington, and Nevada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oregon.

No. MC-107743 (Sub-No. 29), filed July 3, 1974. Applicant: SYSTEM TRANSPORT, INC., 6523 East Broadway, P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: James Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 76224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal doors, and frames, set up or knocked down*; (2) *steel sash, set up or knocked down*; and (3) *related material and supplies*, from Mason City, Iowa, to points in Montana, Wyoming, Utah, Washington, Oregon, California, Idaho, and Nevada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oregon, or Des Moines, Iowa.

No. MC-108207 (Sub-No. 397), filed July 8, 1974. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding compounds, granulated resin, and liquid plastics*, from Los Angeles, Calif., to Dallas and Brownsville, Tex., Norfolk, Nebr., and points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 108393 (Sub-No. 80), filed June 26, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. KUNDITZ, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, articles and commodities* as are dealt in by mail order houses and retail stores, and in connection therewith, *such equipment, materials and supplies* used in the conduct of such business, (1) between St. Louis, Mo., on the one hand, and, on the other, Columbus, Ohio; and (2) between Findlay, Ohio, on the one hand, and, on the other, Milan, Ill., under a continuing contract or contracts with Sears, Roebuck and Co.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC-108676 (Sub-No. 63), filed June 20, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Kingsport, and points in Hawkins County, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado,

New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Louisville, Ky.

No. MC 108676 (Sub-No. 69), filed June 27, 1974. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Tulsa, Okla.

No. MC-109326 (Sub-No. 110), filed July 17, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* (exempt from regulation under Section 203(b)(6) of the Act), when transported in mixed loads with bananas from Mobile, Ala., to points in Texas, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Illinois, Indiana, Ohio, Kentucky, North Carolina, and Alabama, restricted against service from or to any facility of The Great Atlantic and Pacific Tea Company or Hunt Foods and Industries, Inc. and further restricted to the transportation of traffic of having an immediate prior movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC-109397 (Sub-No. 305), filed July 1, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled lift equipment*, each weighing less than 15,000 pounds and transported on trailers, between points in Fresno County, Calif., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control was approved in MC-F-10006. If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif. or Los Angeles, Calif.

No. MC-109478 (Sub-No. 136), filed July 9, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, R.D. #1, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Malt beverages* (except in bulk, in tank vehicles) and *advertising materials* when moving in mixed loads with malt beverages, from Baltimore, Md., to points in that part of New York on and west of a line beginning at Lake Ontario and Interstate Highway 81 over Interstate Highway 81 to its intersection at Cortland with New York Highway 13 thence over New York Highway 13 to its intersection with New York Highway 14 at Horseheads, thence over New York Highway 14 to its intersection with the New York-Pennsylvania State line, and points in Erie, Crawford, Mercer, Venango, Warren, Forest, Clarion, Lawrence, Beaver, Westmoreland, McKean, Elk, Jefferson, Clearfield, Cameron, Potter, Allegany, Butler, Armstrong, and Indiana Counties, Pa.; and (2) *Empty malt beverage containers*, from the above specified destination points to Baltimore, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC-109633 (Sub-No. 18), filed June 24, 1974. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill. 60627. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, liquid commodities, in bulk, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities requiring special equipment), between points in Darke, Shelby, Champaign, Madison, Franklin, Pickaway, Fayette, Clark, Miami, Preble, Montgomery, Greene, Clinton, Warren, Butler, Hamilton, Clermont, Allen, Auglaize, Mercer, and Van Wert Counties, Ohio, on the one hand, and points in that part of Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of Interstate Highway 96 (formerly U.S. Highway 16), from Grand Rapids to Lansing, and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State Line and Holland, Grand Rapids, and Lansing, Mich., on the other.

NOTE.—The purpose of this application is to eliminate the Clinton County, Indiana gateway and to redescribe the portion of Ohio which applicant is authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 1105), filed July 15, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calcium chloride brine*, in bulk, in tank vehicles, from Dallas, Tex., to points in Louisiana, Oklahoma, Arkansas, and New Mexico; and (2) *caustic potash*

liquid, in bulk, in tank vehicles, from Dallas, Tex., to points in Illinois, Indiana, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex. or New Orleans, La.

No. MC-110525 (Sub-No. 1106), filed July 12, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Houston, Tex., to points in Cincinnati, Ohio; and (2) *chemicals, naval stores, and vegetable oils and vegetable oil products* in bulk, in tank vehicles, from Oakdale, La., to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pensacola, Fla. or Chicago, Ill.

No. MC-112063 (Sub-No. 18), filed June 28, 1974. Applicant: P. I. & I. MOTOR EXPRESS, INC., P.O. Box 685, Sharon, Pa. 16146. Applicant's representative: Milan Tatalovich, 123 West Liberty Street, Girard, Ohio 44420. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), transported in containers, from Elk Grove Village and Franklin Park, Ill., to Reno and Rouseville, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Cleveland, Ohio.

No. MC 112184 (Sub-No. 44), filed June 26, 1974. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a Corporation, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paint and paint products* in bulk, in tank vehicles, from Cleveland, Ohio to points in Kansas City, Mo. and Kansas City, Kans., under a continuing contract with PPG Industries, Inc.

NOTE.—Applicant holds common carrier authority in MC-128302 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 112801 (Sub-No. 158), filed June 24, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from Mankato, Minn., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC-112801 (Sub-No. 159), filed July 1, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphuric and phosphoric acid*, in bulk, from Depue, Ill., to points in Minnesota, Missouri, Michigan, Indiana, Iowa, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 160), filed July 5, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ferric chloride*, in bulk, in tank vehicles, from Gary, Ind., to points in Arkansas, Illinois, Indiana, Kentucky, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, and Tennessee; (2) *muratic acid*, spent, in bulk, in tank vehicles, from points in Illinois and Michigan, to Gary, Ind.; (3) *silicate of soda*, dry in bulk, in tank vehicles, from Chicago, Ill., to points in Missouri, Ohio, Wisconsin, Michigan, and Kentucky and (4) *caustic soda and caustic potash*, in bulk, in tank vehicles, from the plantsite and/or storage facilities of K. A. Steel Chemicals, Inc. at Lemont, Ill., to points in Iowa, Minnesota, Wisconsin, Indiana, Ohio, Michigan, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC-112963 (Sub-No. 54), filed June 27, 1974. Applicant: ROY BROTHERS, INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Muriatic acid*, in bulk, in tank vehicles, from East Providence, R.I., to points in Rhode Island, Connecticut, and Massachusetts; and (2) *Animal oils and products of animal and vegetable oils*, in bulk, in tank vehicles, from Quincy, Mass., to points in New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC-113267 (Sub-No. 315), filed July 5, 1974. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix

I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., located at or near Amarillo, Tex., to points Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Minnesota, Missouri, Nebraska, North Carolina, South Carolina, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo, Tex. or Washington, D.C.

No. MC 113267 (Sub-No. 316), filed July 8, 1974. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 3385 Airways Blvd., Suite 115, Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla. or Washington, D.C.

No. MC 113828 (Sub-No. 220), filed July 2, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lithium ore*, in bulk, and *spodumene*, in bulk, (1) from Kings Mountain, N.C., to points in Chesterfield County, Va., and (2) from points in Chesterfield County, Va., to points in Berkeley County, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-113908 (Sub-No. 322), filed July 10, 1974. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wine and wine products*, in bulk, from Paterson, N.J., to Delano, Calif.; (2) *vinegar, vinegar stock and vinegar stock concentrate*, in bulk, from Kansas City, Mo., to Jacksonville, Ill.; (3) *vinegar, vinegar stock and vinegar stock concentrate*, in bulk, from Rogers, Ark., to Memphis, Tenn.; (4) *vinegar, vinegar stock and vinegar stock concentrate*, in bulk, from Kansas City, Mo., to Champaign, Ill.;

and (5) *denatured alcohol*, in bulk, from Auburndale and Lake Alfred, Fla., and the Commercial Zones thereof, to points in Arkansas, California, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC-114091 (Sub-No. 86), filed July 17, 1974. Applicant: HUFF TRANSPORT CO., INC., 3500 Bell's Lane, Louisville, Ky. 40211. Applicant's representative: Marshall Kragen, 666 Eleventh Street, NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil* in bulk, in tank vehicles, from points in Cumberland, Fentress, Grundy, Morgan, Pickett, and Scott Counties, Tenn., to Ashland Pipeline Company's facilities at or near Ravenna (Estill County), Falcon (Magoffin County), Lebanon Jct. (Bullitt County), and Beattyville (Lee County), Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Lexington, or Somerset, Ky.

No. MC-114194 (Sub-No. 175), filed July 12, 1974. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products and blends thereof*, in bulk, in tank vehicles having a prior movement by rail, from Detroit, Mich., to points in Indiana, Michigan, and Ohio, (2) *flour*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin and (3) *flour*, in bulk, from Springfield, Ill., to points in Iowa, Kentucky, Missouri, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC-114969 (Sub-No. 49), filed July 8, 1974. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and fertilizer ingredients*, from Brookston, Boone Grove, and Fulton, Ind., to points in Indiana, Ohio, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Columbus, Ohio.

No. MC-115162 (Sub-No. 294), filed June 24, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500,

Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, plywood and particleboard*, from points in Wilcox County, Ala., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; and (2) *Lumber*, from points in Lee County, Ala., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC-115180 (Sub-No. 92), filed June 25, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Connecticut, Colorado, District of Columbia, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Chicago, Ill.

No. MC-115491 (Sub-No. 128), filed July 15, 1974. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, P.O. Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dechlorinated phosphate*, from Coronet, Fla., to Tampa, Fla., restricted to traffic having a subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC-115654 (Sub-No. 31), filed July 5, 1974. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, imitation cream and imitation fruit drinks, ice cream, ice cream products, and water ices, ice mixes, water ice bars, sherbet, frozen desserts, delicatessen products,*

and confectioneries (except in bulk), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Georgia on and north of U.S. Highway 84, and return shipments of commodities named above on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC-116092 (Sub-No. 6), filed July 15, 1974. Applicant: E. J. PERSONS TRANSPORT, LTD., 264 Hanson Street, Cowansville, Quebec, Canada. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Felts, fibres, needles, synthetic resin pellets and spools, yarns, and chemicals used in treating paper marker felts* (except commodities in bulk), between Albany and Chatham, N.Y., on the one hand, and, on the other, ports of entry on the International boundary line between the United States and Canada located at or near Champlain and Rouse's Points, N.Y. and Highgate Springs, Vt.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt. or Washington, D.C.

No. MC-116273 (Sub-No. 185), filed July 15, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of Amoco Chemicals Company, located at or near Joliet, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, New Jersey, Nebraska, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC-116967 (Sub-No. 18), filed June 20, 1974. Applicant: WONDAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, Ill. 60438. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common building brick*, approximately 8" equivalents, between Chicago and Riverdale, Ill., and Brazil, Munster, Cayuga, Martinsville, Anderson, and Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118202 (Sub-No. 41), filed June 27, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides and chemicals* (except in bulk),

from the plantsite of Monsanto Company located at or near Muscatine, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134631 Sub 4 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 118806 (Sub-No. 38), filed July 3, 1974. Applicant: ARNOLD BROS. TRANSPORT LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements, industrial construction and forestry machinery and equipment, tractors (except truck tractors) and tractor equipment and parts, attachment and materials used in the assembly and repair of all of the above described commodities, between points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Wisconsin, and Vermont, on the one hand, and on the other, points on the International Boundary Line between the United States and Canada located in Maine, Vermont, New York, Michigan, Wisconsin, and Minnesota, restricted to traffic having its origin or destination in Canada.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated record with any hearing held in MC 134401 (Sub-No. 6).

No. MC 119245 (Sub-No. 7), filed June 19, 1974. Applicant: E. J. PAULETTE, doing business as PAULETTE'S DELIVERY SERVICE, 1155 Joseph Street, Shreveport, La. 71107. Applicant's representative: John M. Madison, P.O. Box 1707, Shreveport, La. 71166. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home care products marketed by Amway Corporation, including cleaning compound, soap, soap powder, bleach, iron or steel rust removing compound, water softening compound, chemicals, insecticides and insect repellent, liquid colloidal silica, buffing compound, shaving cream, cologne, toilet preparation, sponge plastic or rubber articles, sheet steel articles, exercising apparatus, vibratory other than lounge suite, hosiery, machines or machinery in boxes, drugs and medicines, bubble bath, liquid cleaning compound, spray starch, shampoo, ironing board covers, brushes, advertising matter, printed matter, fire extinguishers and chinaware (except in bulk, in tank vehicles), from Shreveport, La., to points in Nacogdoches, San Augustine, Newton, Tyler, Polk, Angelina, Trinity, Houston, Cherokee, Anderson, Freestone, Leon, Brazos, Walker, Madison, Grimes, San Jacinto, Robertson, Limestone, Navarro, Kaufman, Montgomery, Liberty, and Jasper Counties, Tex., under a continuing contract or contracts with Amway Corporation.*

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Dallas, Tex., New Orleans, La., or St. Louis, Mo.

No. MC-123407 (Sub-No. 183), filed July 15, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing, from Sebawaing, Mich., to points in Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, and Montana.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Washington, D.C.

No. MC-123640 (Sub-No. 14), filed July 8, 1974. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, Esq., 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, sold, dealt in or used by chain or department stores, between Fort Wayne, Ind., on the one hand, and, on the other, points in Tennessee, under contract or contracts with W. T. Grant Company.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123639 (Sub-No. 159), filed June 28, 1974. Applicant: J. B. MONTGOMERY, INC., 5750 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc. at or near Amarillo, Tex., to points in Colorado, Connecticut, District of Columbia, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., Omaha, Nebr., Chicago, Ill., or Denver, Colo.

No. MC-124170 (Sub-No. 42), filed July 5, 1974. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, from Norfolk, Va.,*

to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va. or Washington, D.C.

No. MC 124328 (Sub-No. 64), filed June 21, 1974. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Chandler L. van Orman, 704 Southern Building, 15th & H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precious metals, including silver, coins and currency and other articles of unusual value, between Kellogg, Idaho, Laredo, Tex., Fairfield, Conn., Bridgeport, Conn., Cincinnati, Ohio, Union City, Ind., Cambridge City, Ind., Los Angeles County, Calif., Philadelphia, Pa., New York, N.Y., Newark, N.J., Winchester, Ind., Dayton, Ohio, Chicago, Ill., Providence, R.I., Shreveport, La., Tulsa, Okla., Salt Lake City, Utah, and the New Jersey counties of Union, Essex, and Middlesex, and Winslow, N.J., and (2) securities, stocks, bonds, negotiable and non-negotiable instruments, and other documents of value, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with banks, financial institutions, and manufacturers or dealers in articles of unusual value.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Chicago, Ill.

No. MC-124383 (Sub-No. 12), filed July 8, 1974. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Avenue, New Berlin, Wis. 53151. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is marketed by Home Products Distributors (except commodities in bulk), from the plantsite of Amway Corporation located at or near Ada, Mich., to points in Iowa, Wisconsin, Minnesota, and the Upper Peninsula of Michigan.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC-124656 (Sub-No. 7), filed July 15, 1974. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Wheels and muffler guards*, from the plantsites and warehouse facilities of Western Wheel Company, located at or near Fresno La Palma, and San Jose, Calif., to points in Kansas, Oklahoma, and Texas, under a continuing contract or contracts with Western U.S. Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif. or Oklahoma City, Okla.

No. MC-124692 (Sub-No. 137), filed June 24, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal doors, door frames set up or knocked down, steel sash set up or knocked down, and related parts, materials and supplies*, from the plant and warehouse facilities of Curries Manufacturing, located at Mason City, Iowa, to points in California, Washington, Oregon, Idaho, Utah, and Montana, restricted to traffic originating at the above described facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or San Francisco, Calif.

No. MC 125023 (Sub-No. 26), filed June 27, 1974. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from Baltimore, Md., to points in Illinois (except Chicago), Indiana (except South Bend), Iowa, Kansas, Michigan (except Detroit), Minnesota, Missouri, Nebraska, Ohio (except Akron, Canton, Cleveland, Mansfield, Toledo, and Youngstown) and Wisconsin (except Milwaukee); and (2) *empty used malt beverage containers*, from the destination points described in (1) above to Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-125708 (Sub-No. 138), filed June 24, 1974. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings, knocked down, components and parts and iron and steel articles*, from the plant and warehouse facilities of Varco Pruden Division of AMCA at Evansville, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC-126881 (Sub-No. 13), filed June 24, 1974. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21704. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disposable grounding electrodes*, between Dickerson, Md. and Dayton, Ohio, under continuing contract with Neutron Products, Inc.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC-127366 (Sub-No. 3), filed June 28, 1974. Applicant: F. PAUL PURDY, Route 4, Loudon, Tenn. 37774. Applicant's representative: LaVern Matens, 450 East Illinois Street, Chicago, Ill. 60611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), between points in DeKalb County, Ga., on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, and Tennessee, under a continuing contract with Breakstone Sugar Creek Foods, Division of Kraftco Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Atlanta, Ga., or Birmingham, Ala.

No. MC-127505 (Sub-No. 69), filed July 8, 1974. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units* (except those which because of size or weight require special equipment or special handling), from Truesdale, Mo., to points in the United States in and west of Michigan, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, and Alabama and in and east of North Dakota and South Dakota, Wyoming, Utah, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC-127804 (Sub-No. 5), filed July 15, 1974. Applicant: WILLIAM R. WEINRICH, doing business as WEINRICH TRUCK LINES, Hinton, Iowa 51024. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run, and soybean hulls*, from the plantsite of Farmland Industries, Inc., located at or near Sergeant Bluff, Iowa, to points in Colorado, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127812 (Sub-No. 18), filed June 25, 1974. Applicant: TYSON TRUCK LINES, INC., 185-5 Avenue, SW., New Brighton, Minn. 55112. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E. Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Minneapolis-St. Paul, Minn., to points in Minnesota, North Dakota, and South Dakota.

NOTE.—It is applicant's position that it holds the authority requested herein in MC 127812 (Sub-No. 6), applicant has therefore concurrently filed a notice to dismiss the instant application. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC-128235 (Sub-No. 13), filed July 5, 1974. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall Avenue, NE., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Milwaukee, Wis., to Moose Lake, Minn.; (2) from St. Louis, Mo., to Minneapolis, Minn.; and (3) from St. Joseph, Mo., to the Minneapolis/St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC-128270 (Sub-No. 8), filed July 5, 1974. Applicant: REDIEHS INTERSTATE, INC., 7869 Milton Road, Gary, Ind. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsite and warehouse facilities utilized by Roll Coaters, Inc. at or near Kingsbury, Ind., on the one hand, and, on the other, points in Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128279 (Sub-No. 25), filed July 3, 1974. Applicant: ARROW FREIGHTWAYS, INC., 150 Woodward Road, SE., Albuquerque, N. Mex. 87102. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, requiring special unloading equipment, from Denver and Pueblo, Colo., to points in New Mexico and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC-128944 (Sub-No. 14), filed July 5, 1974. Applicant: RELIABLE TRUCK LINES, INC., 3500 Montgomery Highway, Birmingham, Ala. 35209. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Holiday Industrial Park at or near Olive Branch, Miss. as off-route points in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC-129032 (Sub-No. 12), filed July 15, 1974. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, P.O. Box 7608, Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Tulsa, Okla., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC-129522 (Sub-No. 6), filed July 15, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wheat flour*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC-129529 (Sub-No. 7), filed June 25, 1974. Applicant: THRUWAY MESSENGER SERVICE, INC., (1) New York, Bobby Road, West Nyack, N.Y. 10994. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, in specialized delivery service), between points in Rockland, Orange,

Dutchess, Putnam, Ulster, Westchester, Sullivan Counties, N.Y.; Bergen County, N.J., on the one hand, and, on the other, points in New Jersey, New York, N.Y., Nassau and Suffolk Counties, N.Y., restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at any one location to one consignee at any one location on any one day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orangeburg, N.Y.

No. MC 129617 (Sub-No. 2), filed July 15, 1974. Applicant: L. R. MILLER, INC., P.O. Box 992, Mt. Vernon, Ill. 62864. Applicant's representative: Ernest A. Brooks, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Rough hardwood lumber*, (1) from the plantsite and storage facilities of Big 3 Lumber Corporation, located at or near Loogootee (Martin County), Ind., to points in the Chicago, Ill. Commercial Zone, under a continuing contract or contracts with Big 3 Hardwood Lumber Corp.; and (2), from the plantsite and storage facilities of Sugar Creek Lumber Corp., located at or near Marshall (Parke County), Ind., to points in the Chicago, Ill. Commercial Zone, under a continuing contract or contracts with Sugar Creek Lumber Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 133233 (Sub-No. 32), filed June 27, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building materials*, from points in California, Colorado, Idaho, Montana, New Mexico, Oregon, South Dakota, and Washington, to points in Arkansas, Kansas, Colorado, Louisiana, Nebraska, Oklahoma, Tennessee, and Texas, under a continuing contract or contracts with Slaughter Brothers, Inc., its divisions and subsidiaries.

NOTE.—Applicant holds common carrier authority in MC-138328 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC-133478 (Sub-No. 13), filed July 15, 1974. Applicant: HEARIN TRANSPORTATION, INC., 8565 Southwest Beaverton-Hillsdale Highway, Portland, Oregon 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder, Portland, Oregon 97205. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particleboard and wood beams*, from the plantsite of Hearin Forest Industries, Inc., located at or near Vancouver, Wash., to Boise, Idaho, under

a continuing contract or contracts with Hearin Forest Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore. or Seattle, Wash.

No. MC 133941 (Sub-No. 4), filed June 4, 1974. Applicant: NORTHERN INDUSTRIAL CARRIERS, LTD., a Corporation, Box 13 K, R.R. No. 2, Edmonton, Alberta, Canada. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and machinery, materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof; (b) *such commodities* as are manufactured, or distributed by steel mills and metal fabricators; and (c) *equipment, materials, and supplies* used in (b) above (except commodities in bulk, in tank vehicles), between points on the International Boundary line between Canada and the United States located in Alaska, Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (2) *ore and concentrates*, from points on the International Boundary line between Canada and the United States located in Idaho, Montana, and Washington, to points in Idaho, Montana, and Washington; (3) *Such commodities* as are manufactured or distributed by manufacturers of clay products, from points on the International Boundary line between Canada and the United States located in Minnesota, Montana, and North Dakota, to points in Minnesota, Montana, North Dakota, and South Dakota; and (4) *lumber, lumber products and forest products*, between points on the International Boundary line between Canada and the United States located in Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and on the other, points in Idaho, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming. (1) through (4) above, inclusive, are restricted to the transportation of traffic moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 134145 (Sub-No. 50), filed July 8, 1974. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P.

Sack (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and parts thereof*, from the plantsite and warehouse facilities of Arctic Enterprises, Inc. at Omaha, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *parts, materials and supplies* used in the manufacture of agricultural implements and parts thereof, from points in the United States (except Alaska and Hawaii), to Omaha, Nebr., under a continuing contract or contracts with Arctic Enterprises, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Fargo, N. Dak.

No. MC 134404 (Sub-No. 19), filed June 24, 1974. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bould Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel bath tubs, lavatories, sinks, and plumbers' fittings and supplies*, packaged and unpackaged, from Salem, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; (2) *plastic plumbing fixtures*, including but not limited to plastic bath tubs, shower stalls, packaged and unpackaged, and materials, equipment, supplies and accessories, from Richmond, Mich., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; and (3) *materials, supplies, and equipment*, used or useful in connection with the manufacture, distribution or sale of the aforementioned commodities from the destination areas as described above, to the origin points as indicated in (1) above, under contract with American Standard, Inc., restricted to a transportation service to be performed under a continuing contract or contracts with American Standard, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC-134617 (Sub-No. 3), filed July 3, 1974. Applicant: TRUCK TRAILER LEASING COMPANY, a Corporation, 248 Ohio River Boulevard, Sewickley, Pa. 15143. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite of Cities Service Co., Fesco Operations, at McKees Rocks, Pa., to points in Maine, Vermont, New Hampshire, Ohio, Indiana, Michigan, Wisconsin, Maryland, Delaware, West Virginia, District of Columbia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Florida, under continuing contract with Cities Service Co., Fesco Operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 134691 (Sub-No. 1), filed July 15, 1974. Applicant: M. B. J. TRUCKING CO., INC., P.O. Box 1112, Hightstown, N.J. 08520. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials* (except in bulk), between the storage facilities of Certain-Teed Products Corp., in Edison Township, N.J., on the one hand, and, on the other, points in New York (except New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Rockland, and Orange Counties); points in Connecticut (except Fairfield County); and points in Pennsylvania, under contract with Certain-Teed Products Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 134769 (Sub-No. 2), filed July 3, 1974. Applicant: WILLIAM J. BURTON, East Victory Way, Newberry, Mich. 49868. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alger County, Mich., to points in Minnesota, Wisconsin, Illinois, Indiana, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Escanaba or Lansing, Mich., or Milwaukee, Wis.

No. MC-134919 (Sub-No. 3), filed July 5, 1974. Applicant: A & D RENTALS, INC., P.O. Box 52, North Brunswick, N.J. 08902. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials and supplies, and malt beverage dispensing equipment*, between New York, N.Y., and Newark and Hoboken, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania, under a continuing contract or contracts with Van Munching & Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC-134922 (Sub-No. 87) (correction), filed June 14, 1974, published in the FEDERAL REGISTER issue of July 25, 1974, and republished as corrected this issue. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tupelo, Miss., to points in Arizona, New Mexico, California, Oregon, Washington, Idaho and Utah.

NOTE.—The purpose of this republication is to give the correct number of this application as MC-134922 (Sub-No. 87) in lieu of MC-134992 (Sub-No. 87) as previously published. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC-134922 (Sub-No. 92), filed June 24, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washers*, plain, from the plantsite of Gottschall Tool and Die Company, located at or near Salem, Ohio, to points in Arkansas, Texas, Arizona, California, Utah, Washington, Oklahoma, Louisiana, Nevada, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Little Rock, Ark.

No. MC 134922 (Sub-No. 93), filed July 12, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Elliott, N.C., to points in Connecticut, Florida, Delaware, Georgia, Kentucky, Maine, Massachusetts, Maryland, Michigan, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC-135018 (Sub-No. 5), filed June 28, 1974. Applicant: SEAHORSE TRANSPORT, INC., P.O. Box 3709, Brownsville, Tex. 78520. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical, electro-mechanical and electronic components*, from Brownsville, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* utilized in the manufacture, production and distribution of the commodities in (1) above from points in the United States (except Alaska and Hawaii), to Brownsville, Tex., under contract with I.T.T. Thompson Industries, Inc., restricted (1) against the transportation of commodities in bulk, in tank vehicles; (2) to traffic either originating at or destined to the plantsites and facilities of I.T.T. Thompson Industries, Inc., and (3) to all transportation under a continuing contract or contracts with I.T.T. Thompson Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-135070 (Sub-No. 5), filed July 1, 1974. Applicant: JAY LINES, INC., 720 North Grand Street, P.O. Box 1644 Amarillo, Tex. 79105. Applicant's representative:

tive: Gailyn Larsen, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Illinois, Indiana, Ohio, Kentucky, West Virginia, Michigan, and the District of Columbia, restricted to traffic originating at, and destined to, the named points.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Amarillo, Tex.

No. MC 135082 (Sub-No. 10), filed June 21, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, requiring special unloading equipment, from Denver, Pueblo and Trinidad, Colo., to points in New Mexico and Arizona.

NOTE.—Applicant holds contract authority in MC-115524 Subs 2 and 14, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver or Pueblo, Colo.

No. MC 135082 (Sub-No. 11), filed July 1, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, equipment, and attachments, parts, and accessories* for same, from Tonkawa, Okla., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 115524 Subs 2 and 14, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Oklahoma City, Okla.

No. MC-135616 (Sub-No. 3), filed June 20, 1974. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43551. Applicant's representative: E. Stephen Hiesley,

805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, between the facilities of Paulding Glass Products, Inc., located at or near Paulding, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Paulding Glass Industries, Inc., of Paulding, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio, or Detroit, Mich.

No. MC 135678 (Sub-No. 3), filed May 7, 1974. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 Southwest 10th Street, P.O. Box 25802, Oklahoma City, Okla. 73125. Applicant's representative: Rufs H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual values, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (A) Between Amarillo, Tex., and Oklahoma City, Okla., serving all intermediate points in Oklahoma (except Bethany, Yukon, and El Reno, Okla.), and serving the off-route point of Hydro, Okla.: From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to Oklahoma City, Okla., and return over the same route; (B) Between Sayre, Okla., and Clinton, Okla., serving all intermediate points and the off-route points of Stafford, Hammon, and Herring, Okla.: From Sayre, Okla., over U.S. Highway 283 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction Oklahoma Highway 34, thence over Oklahoma Highway 34 to junction Oklahoma Highway 73, thence over Oklahoma Highway 73 to Clinton, Okla., and return over the same route.

(C) Between Amarillo, Tex., and Clinton, Okla., serving all intermediate points between junction Oklahoma Highway 34 and 33 and Clinton, Okla.: From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to junction Oklahoma Highway 34, thence over Oklahoma Highway 34 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction U.S. Highway 183, thence over U.S. Highway 183 to Clinton, Okla., and return over the same route; (D) Between Amarillo, Tex., and Weatherford, Okla., serving all intermediate points between Erick and Weatherford, Okla., and serving the off-route points of Dempsey, Reydon, and Durham, Okla.: From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to Erick, Okla., thence over Oklahoma Highway 30 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction U.S. Highway 283, thence over U.S. Highway 283 to Shattuck, Okla., thence over Oklahoma Highway 15 to Gage, Okla., thence

over Oklahoma Highway 46 to Arnett, Okla., thence over U.S. Highway 60 to Seiling, Okla., thence over U.S. Highway 60 to junction U.S. Highway 183, thence over U.S. Highway 183 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction Oklahoma Highway 54, thence over Oklahoma Highway 54 to Weatherford, Okla., and return over the same route; (E) Between Amarillo, Tex., and Clinton, Okla., serving all intermediate points in Oklahoma: From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to junction U.S. Highway 283, thence over U.S. Highway 283 to junction Oklahoma Highway 47, thence over Oklahoma Highway 47 to junction U.S. Highway 183, thence over U.S. Highway 183 to Clinton, Okla., and return over the same route.

(F) Between Amarillo, Tex., and Vici, Okla., serving all intermediate points between Elk City and Vici, Okla., serving the off-route point of Trail, Okla.: From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to Elk City, Okla., thence over Oklahoma Highway 34 to Vici, Okla., and return over the same route; (G) Between Amarillo, Tex., and junction U.S. Highway 283 and Oklahoma Highway 33, approximately 1 mile north of Roll, Okla., serving all intermediate points between junction U.S. Highway 283 and Oklahoma Highway 33 and Elk City, Okla.: From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to junction U.S. Highway 283, thence over U.S. Highway 283 to junction Oklahoma Highway 6, thence over Oklahoma Highway 6 to Elk City, Okla., and return over the same route; (H) Between Amarillo, Tex., and the junction of U.S. Highway 66 (Interstate Highway 40) and Oklahoma State Highway 54, serving all intermediate points in Oklahoma, and the off-route points of Corn and Colony, Okla.: From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to junction Oklahoma Highway 152, thence over Oklahoma Highway 152 to junction Oklahoma Highway 54, thence over Oklahoma Highway 54 to junction U.S. Highway 66 (Interstate Highway 40), and return over the same route; (I) Between Amarillo, Tex., and Clinton, Okla., serving all intermediate points between Cordell, Okla., and Sayre, Okla., including Cordell, Okla.: From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to its junction with Oklahoma Highway 152, thence over Oklahoma Highway 152 to junction Oklahoma Highway 34, thence over Oklahoma Highway 34 to junction Oklahoma Highway 55, thence over Oklahoma Highway 55 to junction U.S. Highway 183 to Clinton, Okla., and return over the same route.

(J) Between Amarillo, Tex., and Butler, Okla., serving all intermediate points between Sentinel, Okla., and Butler, Okla., and the off-route point of Burns Flat (Clinton-Sherman (AFB)): From Amarillo, Tex., over U.S. Highway 66 (Interstate Highway 40) to Clinton, Okla., thence over U.S. Highway 183 to Rocky,

Okl., thence over Oklahoma Highway 55 to Sentinel, Okla., thence over Oklahoma Highway 44 to Butler, Okla., and return over the same route; (K) Between Elk City, Okla., and Retrop, Okla., serving all intermediate points: From Elk City, Okla., over Oklahoma Highway 6 to Retrop, Okla., and return over the same route; (L) Between Clinton, Okla., and Thomas, Okla., serving all intermediate points and the off-route point of Anthony, Okla.: From Clinton, Okla., over U.S. Highway 183 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to Thomas, Okla., and return over the same route; (M) Between Erick, Okla., and Sweetwater, Okla., serving all intermediate points: From Erick, Okla., over Oklahoma Highway 30 to junction Oklahoma Highway 6, thence over Oklahoma Highway 6 to junction Oklahoma Highway 152, thence over Oklahoma Highway 152 to Sayre, Okla., and return over the same route; (N) Between Elk City, Okla., and Sweetwater, Okla., serving all intermediate points: From Elk City, Okla., over Oklahoma Highway 6 to Sweetwater, Okla., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Oklahoma City, Okla., for five days and Amarillo, Tex., for five days.

No. MC-135865 (Sub-No. 3), filed July 15, 1974. Applicant: APPLIGATE DRAYAGE COMPANY, a corporation, 325 North Fifth Street, Sacramento, Calif. 95812. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, Between Sacramento, Calif., and Reno, Nev.: From Sacramento, Calif., over Interstate Highway 80 to Reno, Nev., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco or Sacramento, Calif.

No. MC-136221 (Sub-No. 25), filed June 28, 1974. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Dr., Suite G, P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: Joseph E. Rebman, 1230 Boatmen's Bank Bldg., St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture, new home furnishings, appliances, and recreational equipment*, from the warehouse and shipping facilities of The May Department Stores Company in St. Louis, Mo., to those points in Illinois located on and within a line beginning at the Missouri-Illinois State Boundary line and extending east over Illinois Highway 96 to its intersection with Illinois Highway 100, thence south over Illinois Highway 100 to its intersection with Illinois Highway 16, thence east over Illinois Highway

16 to its intersection with Illinois Highway 127, thence south over Illinois Highway 127 to its intersection with Illinois Highway 149, thence west over Illinois Highway 149 to its intersection with Illinois Highway 3, thence west and north over Illinois Highway 3 to the Illinois-Missouri State Boundary line at Chester, Ill., and *returned or rejected shipments* of the above described commodities from the above named destination territory, to the above specified origin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC-136285 (Sub-No. 8), filed January 18, 1974. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 9165, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, (1) from points in Gadsden County, Fla., to Savannah, Ga., and (2) *empty containers*, from Savannah, Ga., to points in Gadsden County, Fla., restricted to the transportation of shipments having an immediately subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 136343 (Sub-No. 31), filed June 23, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, from the plantsite of Penntech Papers, Inc., located at or near Johnsonburg, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 96098 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC-136433 (Sub-No. 1), filed June 28, 1974. Applicant: F QUARTER CIRCLE RANCH, INC., doing business as PONY EXPRESS, Route 3, Billings, Mont. 59101. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Race horses; stable equipment and supplies used in their care and exhibition; mascots; personal effects of their attendants, trainers, and exhibitors; and livestock tack and show equipment*, (1) between points in Arizona, Colorado, Oklahoma, Texas, and Wyoming,

and (2) between points in Arizona, Colorado, Oklahoma, Texas, and Wyoming, on the one hand, and, on the other, points in Nebraska, Iowa, Minnesota, Wisconsin, Indiana, Ohio, Pennsylvania, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz., or Billings, Mont.

No. MC-136464 (Sub-No. 6), filed June 28, 1974. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Zippers, finished and semi-finished, sewing thread on spools, cotton and nylon, binding, braid, lace, tape, webbing, and ribbon*, (1) from the facilities of Talon Division of Textron, Inc. in Mecklenburg County, N.C., to Port Huemene, Calif., and the warehouse facility of Talon Division of Textron, located at or near Los Angeles, Calif.; and (2) *return shipments of the above commodities and pallets*, from the warehouse facilities of Talon Division of Textron, located at or near Los Angeles, Calif., and at Port Huemene, Calif., to the facilities of Talon, in Mecklenburg County, N.C., and at Stanley, N.C.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 136669 (Sub-No. 2), filed July 5, 1974. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 515, Dakota City, Nebr. 68731. Applicant's representative: John F. Roeser (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., located at or near Amarillo, Tex., to points in the United States (except Alaska and Hawaii); and (b) from points in Arkansas, Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, and South Dakota, to the plant site and storage facilities utilized by Iowa Beef Processors, Inc., located at or near Amarillo, Tex.; and (2) *Materials, supplies and equipment used in the conduct of business by meat packinghouses and hide companies*, from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities utilized by Iowa Beef Processors, Inc., located at or near Amarillo, Tex.; (1) and (2) above, under a continuing contract or contracts with Iowa Beef Processors, Inc., and its subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo, Tex., Sioux City, Iowa, or Omaha, Nebr.

No. MC-138438 (Sub-No. 8), filed July 8, 1974. Applicant: D. M. BOWMAN, INC., 15 East Oak Ridge Ave., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, 133 Overhill Drive, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gabions*, on vehicles equipped with mechanical rotation articulating boom unloaders, from Williamsport, Md., to points in Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Michigan, Indiana, Alabama, Tennessee, Kentucky, Ohio, New York, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, District of Columbia, Delaware, New Jersey, Massachusetts, Connecticut, Rhode Island, Maine, Vermont, and New Hampshire.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138635 (Sub-No. 13), filed July 15, 1974. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk in tank vehicles, commodities requiring special equipment, and household goods as defined by the Commission), from Charlotte, N.C., to Memphis, Tenn., restricted to traffic tendered by Freight Forwarders.

NOTE.—Applicant holds contract carrier authority in MC 136464 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Charlotte, N.C., or (2) Washington, D.C.

No. MC-139001 (Sub-No. 2), filed June 24, 1974. Applicant: PIETTE TRANSPORT, INC., 11650 Metropolitan Blvd., Montreal H1B 1A5, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James St. West, Montreal H2Y 1M1, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from ports of entry on the International Boundary Line between the United States and Canada located at or near Derby Line and Highgate Springs, Vt., and Champlain and Rouses Point, N.Y., to points in New Hampshire, New York, Massachusetts, and Vermont, restricted to traffic having an immediate prior movement in foreign commerce, under a continuing contract or contracts with Piette Oil Company, Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Montpelier, Vt., or Albany, N.Y.

No. MC 139193 (Sub-No. 15), filed July 8, 1974. Applicant: ROBERTS AND OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126, 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products*, as defined by the Commission in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and storage facilities of John Morrell and Co. located at Sioux Falls, S. Dak., to points in Illinois and Wisconsin; and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in Illinois and Wisconsin to the plantsite and storage facilities of John Morrell and Co. located at Sioux Falls, S. Dak., under continuing contract with John Morrell and Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139286 (Sub-No. 1), filed June 20, 1974. Applicant: DON MCINTYRE, doing business as MCINTYRE TRUCKING, 935 Starlite Place, Grants Pass, Ore. 97526. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from the plantsite of Sun Studs, Inc., near Roseburg, Ore., to points in California, Nevada, and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roseburg or Grants Pass, Ore.

No. MC 139333 (Sub-No. 1), filed July 2, 1974. Applicant: ROBERT J. PRITCHETT, doing business as PRINCE TRUCKING, 5865 Smithway Street, City of Commerce, Calif. 90040. Applicant's representative: Robert J. Pritchett (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture*, from the facilities of All-Steel, Inc., located at or near City of Commerce, Calif., to points in Los Angeles, Orange, San Diego, San Bernardino, Riverside, Santa Barbara, Ventura, and Kern Counties, Calif.; and (2) *Refused or damaged merchandise*, in return movements; (1) and (2) above, under a continuing contract or contracts with All-Steel, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC-139346 (Sub-No. 1), filed June 23, 1974. Applicant: IVAN LARRY PERLA, doing business as PERLA TRANSFER & LEASING COMPANY, 710 N.

Park Avenue, Dunn, N.C. 28334. Applicant's representative: Patrick H. Pope, 100 E. Cumberland Street, Bank of North Carolina, N.A. Bldg., Dunn, N.C. 28334. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ladies garments and dresses*, on hangers, from points in Lenoir, Cumberland, and Harnett Counties, N.C., to points in Kane County, Ill.; and (2) *negotiables, piece-goods, and trim items*, related to the garment industry (except commodities in bulk), from points in Kane County, Ill., to points in Lenoir, Cumberland, and Harnett Counties, N.C., under contract with Perla Products, Inc., at Dunn and Wade, N.C., and Har-Scott Company, Inc., at Pink Hill, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Raleigh, Fayetteville, or Wilmington, N.C.

No. MC-139453 (Sub-No. 3) (Amendment) filed May 28, 1974, published in FEDERAL REGISTER issue of August 1, 1974, and republished as amended this issue. Applicant: JOHN MILLIGAN, doing business as APACHE TRUCK LINE, Apache Creek Store, Apache Creek, N. Mex. 87830. Applicant's representative: James E. Snead, P.O. Box 2228, 215 Lincoln Avenue, Santa Fe, N. Mex. 78501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and lumber by-products*, between points in Catron County, N. Mex., on the one hand, and, on the other, points in Apache and Pinal Counties, Ariz., and Safford (Graham County), Ariz., under a continuing contract or contracts with H. L. Bennett Co.

NOTE.—The purpose of this republication is to add the terminal point of Safford (Graham County), Ariz. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC-139460 (Sub-No. 12), filed July 8, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Springfield, Mass., to points in Hartford, Litchfield, and Tolland Counties, Conn.; and to Windham and Windsor Counties, Vt.; and Cheshire and Sullivan Counties, N.H.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or New York City, N.Y.

No. MC-139470 (Sub-No. 2), filed July 8, 1974. Applicant: COWLITZ STUD COMPANY, a Corporation, Washington Building, Suite 1410, Seattle, Wash. 98101. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Wash-

ington and Oregon, restricted to shipments having a subsequent movement in foreign commerce, under a continuing contract with PACLASCO Export Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle Wash.

No. MC-139539 (Sub-No. 3), filed July 3, 1974. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel*, from the facilities of Bethlehem Steel Corporation at Elizabeth, N.J., and Newark, N.J., to points in the New York, N.Y., Commercial Zone, as defined by the Commission.

NOTE.—Applicant holds contract carrier authority in MC-135713 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139566 (Sub-No. 2), filed July 5, 1974. Applicant: FEDERAL ARMORED EXPRESS, INC., P.O. Box 333, Baltimore, Md. 21203. Applicant's representative: Timothy M. Biddle, 1100 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Nuclear material*, (1) between Erwin, Tenn., on the one hand, and on the other, New Haven, Conn., Montville, Conn., West Mifflin, Pa., Lynchburg, Va., Schenectady, N.Y., and Sargents, Ohio; and (2) between Lynchburg, Va., and Oak Ridge, Tenn.; (1) and (2) above, under a continuing contract or contracts with Edlow International Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 139645 (Sub-No. 1), filed June 28, 1974. Applicant: SERVICE MOTOR FREIGHT, INC., 133 E. Atlantic Avenue, Lawnside, N.J. 08045. Applicant's representative: Robert W. Gerson, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fiberglass materials and fiberglass products, fibrous glass, mineral wool products, fibrous glass textile materials, fibrous glass textile products, plastic materials and plastic products (except plastic bottles)*, from the plantsite of Owens-Corning Fiberglass Corporation located at or near Selkirk, N.Y. (Bethlehem, N.Y.), to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and *rejected and damaged shipments of the commodities named above, on return.*

NOTE.—Applicant holds contract carrier authority in MC-3094, therefore dual operations may be involved. Common control may

also be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC-139729 (Sub-No. 2), filed June 27, 1974. Applicant: DAKOTA-NORTH EASTERN EXPRESS CO., a Corporation, Post Office Box 276, Cloquet, Minn. 55720. Applicant's representative: Elmer B. Trousdale, W-1781, First National Bank Bldg., St. Paul, Minn. 55101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed rock*, in bulk, from points in Carlton and St. Louis Counties, Minn., to points in North Dakota, on and east of U.S. Highway 83 from the International Boundary Line between United States and Canada to the South Dakota State Boundary line.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., Minneapolis, Minn., Fargo, N. Dak., or Duluth, Minn.

No. MC-139872 (Sub-No. 1), filed June 25, 1974. Applicant: M. X., INC., 300 South 25th Avenue, Phoenix, Ariz. 85005. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Electrical and electronic products, and equipment, materials, and supplies used or useful in the manufacture, processing, and/or marketing of electrical and electronic products*, between Phoenix, Scottsdale, Tempe, and Mesa, Ariz., on the one hand, and on the other, points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., restricted to the transportation of traffic moving under a continuing contract or contracts with Motorola, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC-139923 (Sub-No. 2), filed June 26, 1974. Applicant: MILLER TRUCKING INC., P.O. Drawer D, Stroud, Okla. 74079. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 except hides, and commodities in bulk, in tank vehicles, from the plantsite of and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Alabama, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West

Virginia, restricted to traffic originating at, and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Tulsa, Okla.

No. MC 139972 (Sub-No. 1), filed July 12, 1974. Applicant: B. L. KLUTTS, doing business as KLUTTS CONSTRUCTION, 1474 North Yampa, No. 55, Craig, Colo. 81625. Applicant's representative: John P. Thompson, 450 Capital Life Center, Denver, Colo. 80203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Coal*, between points in Moffat County, Colo., under a continuing contract with Empire Energy Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 140018, filed June 28, 1974. Applicant: KENNETH M. HYATT, 106 South Burg, Kimball, Nebr. 69145. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, 605 S. 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractors (except truck-tractors)*; (2) *agricultural implements and machinery*, and (3) *attachments for, and equipment designed for use with the articles described in (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Waterloo, Ottumwa, and Des Moines, Iowa, and East Moline, Ill., to Sidney, Ogallala, North Platte, and Kimball, Nebr.; Pine Bluff, Wyo.; and Julesburg, Colo., restricted to traffic originating at the facilities of Deere & Co., at the above points of origin.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC-140019, filed July 3, 1974. Applicant: W. A. EMRICK TRUCKING, INC., R.D. No. 1, Box 116, Linden, Pa. 17744. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Lycoming County, Pa., to points in New York, and New Jersey.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC-140020, filed July 1, 1974. Applicant: LEONARD JOPE, Box 154, Stephen, Minn. 56757. Applicant's representative: Arthur A. Drenckhahn, Box 159, Warren, Minn. 56762. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *New and used mobile and trailer homes in secondary movements*, (1) from points in Kittson, Marshall, Roseau, Polk, Pennington, and Red Lake Counties, Minn., to points in North Dakota, on and north of North Dakota Highway 200 and on and east of U.S. Highway 85, and (2) from points in North Dakota on and north of North

Dakota Highway 200 and on or east of U.S. Highway 85 to points in Minnesota, under a continuing contract or contracts with Harold Kemp, Hallock, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 140021, filed June 27, 1974. Applicant: BILL JACKSON, doing business as JACKSON WRECKER SERVICE, 308 W. Kilpatrick, Cleburne, Tex. 76031. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, and repossessed motor vehicles, trailers, and buses* (except trailers designed to be drawn by passenger vehicles), and (2) *replacement vehicles*, for those described in (1) above, by use of wrecker equipment only, between points in Texas, on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, New Mexico, Colorado, Kansas, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140028, filed June 26, 1974. Applicant: MOULDEN & SONS, INC., P.O. Box 18, 2001 Second Street, Enumclaw, Wash. 98101. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal and charcoal*, from Black Diamond, Wash., to points in Oregon, and (2) *expanded shale*, from points in Multnomah County, Oreg., to points in Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC-140036, filed June 17, 1974. Applicant: WINTERS TRUCKING, INC., 4 Chase Avenue, Avenel, N.J. 07001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, between Old Bridge, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with C.P.S. Chemical Company, Old Bridge, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

PASSENGER APPLICATIONS

No. MC-135019 (Sub-No. 2), filed July 3, 1974. Applicant: PARK TRAN-SIT, INC., 521 Camden Street, Parkersburg, W. Va. 26101. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Taylor, Barbour, Upshur, Harrison, Randolph, Doddridge, Gilmer, Jackson, Kanawha, Fayette, and Wetzel Counties, W. Va., and points in Washington, Guernsey, and Athens Counties, Ohio, and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Clarksburg, W. Va.

No. MC-139794 (Sub-No. 1), filed June 24, 1974. Applicant: SOMERSET LIMOUSINE SERVICE, INC., 488 North Bridge Street, Somerville, N.J. 08876. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in non-scheduled door-to-door service of not more than six passengers in any one vehicle, not including driver, between points in Hunterdon, Mercer, Middlesex, Morris, and Somerset Counties, N.J., on the one hand, and, on the other, John F. Kennedy International Airport and La Guardia Airport, located at or near New York, N.Y., and Philadelphia International Airport, located at or near Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC-139915 (Sub-No. 2), filed July 8, 1974. Applicant: REVEREND J. B. JOHNSON, doing business as HAR-VESTER FOR CHRIST, P.O. Box 113, Lakestone Road, Century, Fla. 32535. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, be-

tween church sites in Escambia County, Fla., on the one hand, and, on the other, church retreats in Buncombe County, N.C., Hidalgo County, Tex., and Santa Fe County, N. Mex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Pensacola, Fla.

No. MC-139986, filed May 30, 1974. Applicant: FRANK C. SCHEER, doing business as ALLSTATES COACH SERVICE, 4371 NW. 32 Court, Fort Lauderdale, Fla. 33313. Applicant's representative: Bernard C. Pestcoe, 511 Biscayne Building, 19 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage and personal effects of passengers*, in the same vehicle with passengers, in special or charter operations or both, between Miami, Fla., Orlando, Tampa, Fort Lauderdale, and Jacksonville, Fla., Atlanta, Ga., Raleigh, N.C., Washington, D.C., Atlantic City, N.J., Newark, N.J., New York, N.Y., Boston, Mass., Holbrook, Maine, New Orleans, La., Dallas and Fort Worth, Texas, Phoenix, Ariz., Los Angeles, San Francisco, and Oakland, Calif., Seattle, Wash., Cleveland, Ohio, Chicago, Ill., Kansas City, Mo., Minneapolis, Minn. and Denver, Colo., restricted to the transportation of passengers having a prior or subsequent movement by air, sea, or rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Miami, Fla., or Washington, D.C.

BROKER APPLICATION

No. MC 130258, filed July 15, 1974. Applicant: VI R. CARPENTER AND MARK E. CARPENTER, doing business as CARPENTER TOURS, 1810 Broadway Avenue, Mattoon, Ill. 61938. Applicant's representative: VI. R. Carpenter (same address as applicant). Authority sought to engage in operations, in interstate or foreign commerce, as a *broker* at Mattoon, Ill., to sell or offer to sell the transportation of *Passengers and groups of passengers and their baggage*, from Mattoon, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-18668 Filed 8-14-74; 8:45 am]

THURSDAY, AUGUST 15, 1974

WASHINGTON, D.C.

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PART II



DEPARTMENT OF DEFENSE

Department of the Army

■

EVALUATION OF ECONOMIC BENEFITS FOR FLOOD CONTROL AND WATER RESOURCE PLANNING

General Principles and Standards
of Benefit Evaluation

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS,
DEPARTMENT OF THE ARMYPART 341—EVALUATION OF ECONOMIC
BENEFITS FOR FLOOD CONTROL AND
WATER RESOURCE PLANNINGGeneral Principles and Standards of
Benefit Evaluation

Notice is hereby given that the regulation set forth below by the Secretary of the Army (acting through the Chief of Engineers) prescribes revised implementing policy and procedures pursuant to section 1 of the Flood Control Act of 22 June 1936 (Pub. L. 74-738). Specifically, the regulation emphasizes the procedures and measurement techniques for evaluating benefits under the national economic development objective for flood control and related water resources planning.

Since this regulation prescribes a general policy statement and specific evaluation procedures and measurement techniques designed primarily for internal use by Corps professional staff, notice of proposed rulemaking and the procedures thereto is considered unnecessary. This regulation will become effective August 15, 1974. It does not apply to planning reports submitted to the Office of the Chief of Engineers (OCE) prior to the effective date. It applies fully to all planning reports submitted to OCE after December 31, 1974. It will be applied partially to planning reports submitted between August 15, 1974 and December 31, 1974.

Dated: 5 August 1974.

JAMES L. KELLY,
Brigadier General, USA,
Acting Director of Civil Works.

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AUTHORITY: Flood Control Act of 1936, Pub. L. 74-738 (33 U.S.C. 701a), June 22, 1936; Water Resources Council, Principles and Standards for Planning Water and Related Land Resources, 38 FR 24778-24869, September 10, 1973.

Subpart A—Introduction

§ 341.10 Purpose.

This regulation outlines the principles, standards, procedures and measurement techniques for evaluating benefits under the national economic development objective for flood control and related water resources planning. This is one of the objectives contained in the Principles and Standards of 10 September 1973.

§ 341.11 Authority.

(a) Flood Control Act of 1936, Pub. L. 74-738, 33 USC 701a, June 22, 1936;

(b) Water Resources Council, *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24778-24869, September 10, 1973.

§ 341.12 Definitions.

"Activity." Any firm, household or public service entity, be it governmentally sponsored, private, profit making, quasi-public, charitable, etc.; sometimes used in text to mean all activities of a similar type; e.g. (residential, agricultural, manufacturing, or commercial).

"Activity decisions." A choice by an activity based upon maximization of its net income (economic rationality, net income).

"Alternative site, available alternative, alternative location." (a) Broadly, any location where a given activity might locate outside of the flood plain; (b) specifically, the best available non-flood plain location at a given point in time, as measured by maximization of net income to the activity. As a rule the site is not available if it is already occupied by a similar activity type or it will be occupied by a similar activity type both with and without the project. If an already occupied site is to be considered as the alternative, the costs of moving, including any unrecovered sunk costs, lost interest and profits during moving and any diseconomies to employees must be fully accounted for. As a practical matter, these costs will usually preclude use of occupied sites unless the useful life of the structures is near zero.

"Area affected." The area affected by a proposed plan is the flood plain plus other areas likely to serve as alternate sites for activities which might use the flood plain if it were protected.

"Associated costs." The cost necessary to make one site equally valuable as another.

Value is measured either as gross income (revenues) or as other total output for non-monetary activities, such as schools (value, activity, development costs, site development costs, site operating costs, locational advantages).

"Average annual flood damages." See "Flood damages."

"Base year." The first year in which the plan is expected to become operational.

"Benefit." An NED benefit means an increase in the Nation's output of goods and services and/or an improvement in economic efficiency caused by a project. NED benefits are categorized according to their effect on activity decisions as inundation reduction benefit, location benefit, or intensification benefit.

"Benefit standard." The willingness of users (benefiting activity) to pay for a proposed plan (user, activity).

"Benefiting activity." An activity which realizes an increase in net income because of a proposed plan (user, activity).

"Costs." The amount expended by an activity in order to generate output, normally excluding the rental value of the land. In this regulation, costs usually segregate those due to flood damages in order to facilitate analysis. However, flood damages are conceptually a cost of doing business. (NOTE: Project "costs" are a separate item).

"Damage susceptibility." The relationship between total value of a type of activity in a flood plain and the flood damages sustained by that activity. The relationship is a function of the characteristics of the flooding itself (depth, velocity, duration, etc.) and the objects flooded (dwelling, materials, etc.), and their location.

"Damages." Often used in text to mean flood damages (flood damages).

"Damages reduced." Often used in text to mean flood damages reduced (flood damages reduced).

"Depreciation." A loss from the upper limit of value. An effect caused by deterioration and/or obsolescence. Deterioration is reflected by wear and tear, decay or structural defects, obsolescence occurs in two forms: functional and economic.

"Development costs." The cost of preparing land for use by an activity (site development costs) plus, when applicable, cost necessary to make one site as valuable as another (associated costs). The difference in development costs is a component of changed net income.

"Economic benefit." Synonymous with benefit, for purpose of the economic development objective.

"Economic development objective." The objective of increasing the value of the Nation's output of goods and services and improving national economic efficiency.

"Economic efficiency." The objective of producing goods and services at the lowest possible cost per unit of output for a given level of output (economic development objective, economic rationality, economic benefit).

"Economic rationality." The assumption that activities having full knowledge of the flood hazard will attempt to maximize returns, and will not externalize their flood losses.

"Efficiency." Synonymous with economic efficiency for purposes of the economic development objective.

"Exceedence frequency (frequency of flooding)." The percentage of values that exceed a specified magnitude, and occur as the most extreme event within specified sequential time periods; the exceedence probability times one hundred. A 100 year exceedence interval corresponds to an exceedence frequency of 1.00.

"Exceedence interval (of flooding)." Also, sometimes the less desirable terms, recurrence interval and/or return period have been used. The average interval of time between values that exceed a specified magnitude; reciprocal of the exceedence frequency per 100 years. In an annual flood series, the average interval in which a flood of a given size is exceeded as an annual maximum. In a partial duration series, the average interval between floods exceeding a given size regardless of their relationship to any period of time. It should be noted that a flood corresponding to a 100 year average exceedence interval is not expected to be equaled only once during a 100 year period. A 100 year exceedence interval flood magnitude can be expected to be exceeded one or more times one out of four periods of 30 years length, one out of two periods of 70 years length, and about two out of three periods of 100 years length. The total period of time under consideration must exceed 1,000 to 10,000 years before the 100 year exceedence interval flood magnitude can be expected to be exceeded on an average of once for each 100 years.

"Existing benefits (and damages)." Average annual benefits (and damages) to activities affected by flooding at the time the study is completed.

"Exceedence probability (probability of flooding)." A probability that an event selected at random, the most extreme event within each sequential time period of a specified length, will exceed a specified magnitude. A 100 year exceedence interval corresponds to an exceedence probability of 0.01.

"Externality." Synonymous with external effect. An effect on parties other than users of the outputs of a plan; specifically, increased damages to activities outside the protected area under the with—as compared to the without—condition.

"Flood." Inundation arising from stream overflow, overland water flow, high lake stages, high tides and inadequate drainage plus stream related erosion, gullying, flood plain scouring, streambank cutting, shore or beach erosion and sedimentation.

"Flood characteristics." The physical properties of floods are an important variable in determining and projecting flood damages.

"Flood control project." (a) Broadly, a synonym for flood plain management

plan; (b) Narrowly, a structural project by whomsoever undertaken.

"Flood damages." (a) Broadly, damages caused by a flood; (b) often "flood damages" mean "average annual damages." Floods vary in size and frequency. Average annual damages are yearly damages, on average, at any point in time, assuming one set of conditions and are independent of the interest rate used for project evaluation; (c) flood damages are a cost of doing business; reduction of the damage is therefore a reduction in costs which contributes to economic efficiency (synonymous with inundation damages).

"Flood damages prevented." Flood damages with a plan or project deducted from damages without the plan or project.

"Flood damages reduced." Synonym for flood damages prevented.

"Flood plain." Land physically inundated by a flood.

"Flood plain management plan." A plan for responding to the adverse effects of flooding (flood). This plan may envision structural measures, flood proofing, zoning, management, or a combination. This regulation provides for choosing plans on the basis of the economic development objective.

"Gross income." Total return to an activity. Usually expressed in dollars (synonym for gross or total revenues). Gross income, less costs, rent, and flood damages, equals net income for a given activity (revenues, costs, rent, flood damages, net income).

"Index." The relation or proportion of one amount to another; an indicator, e.g., density is an index of urbanization. The proper choice and use of an index is often critical to the accuracy of projections. Therefore, use of one item to indicate changes in another item should be based upon (1) establishing empirical relationship between the two items; (2) confirming a logical relationship between the two items, and (3) determining the likelihood that the relationships will continue over time and the nature of possible variances.

"Infrastructure locational advantage." See locational advantage.

"Intensification benefit." Benefit which arises because a plan or project induces an activity to modify its operation on the flood plain.

"Intensification of land use." An increase in the gross output of an existing activity at an existing site, due to a change in the factors of production.

"Inundation reduction benefit." The flood control benefit to those activities whose location decisions are unaffected by a proposed plan. It is the value of those flood losses prevented to those activities which would use the flood plain even without the proposed plan.

"Inundation damages." Synonym for flood damages.

"Land use." A description as to how land is utilized within the affected area. A change in land use is based upon affected area requirements and the ability of the flood plain to better meet these requirements given various levels of pro-

tection. A major source and starting point are land use maps, with support data, determined by responsible local, regional and Federal agencies. The detail number of levels of protection and number of years land use need be projected will vary with the plans being considered and the area being studied. The level of detail should be based upon the criteria of whether formulation and justification are affected.

"Location advantage." For any given demand for land, the desirability one parcel of land may possess over another; and advantage may be physical, aesthetic, infrastructural or a combination thereof. The former includes slope, foundation, potential for flooding, availability of water; infrastructural locational advantages are primarily psychological, such as nearness to existing population, accessibility to highways, civil stability, and proximity to market. Most physical advantages do not change significantly over time and are generally measured in terms of site development costs or in terms of hazard damage sustained. Infrastructural advantages will change over time as an area develops, depreciates or redevelops. It is most difficult to quantify infrastructural advantages. Measuring associated costs is one way, where it is possible to make two parcels of land equivalently valuable for an activity by a measurable expenditure (e.g., by putting in a road, by evaluating commuter costs between two sites, etc.). Where this is not possible, a direct estimate of the value of the location may be made. A starting point is to state the advantage(s) quantitatively; e.g., water supply available. A second step would be to attempt to measure the market value of comparable land and activities with and without the advantage. The purpose is to isolate unique advantages. Interviews with experts may also be helpful. Where the infrastructural advantage cannot be measured either directly or by associated development costs, the advantage should be listed qualitatively by the reporting planner.

"Location benefit." Changes in net income to those activities whose decisions as to where to locate are affected by the proposed plan.

"Market value." Synonym for value.

"Net income." For firms, the difference between the gross income and costs (or expenses). For households or public service activities, the difference between the value (market or simulated) of the good or service supplied and the alternative cost of providing that same service. The difference is net income for users and is the benefit attributable to a flood control project. It is emphasized that net income merely defines the benefit; it does not indicate how the benefit is to be measured. Costs exclude land rent except when specified otherwise in the regulation (costs, revenues, benefit).

"Period of analysis." The period of analysis is that time horizon over which needs shall be assessed and is the basis for the NED benefit-cost ratio. The period of analysis is 100 years for major

reservoirs, major long-term urban protection and main-line levees. It is 50 years for all other flood control measures. "Physical locational advantage." See locational advantage.

"Productivity." (a) The ability to produce or increase output; (e.g.) normally expressed as a rate of output over time; (b) economic efficiency.

"Profit." Synonymous with net income, as used in this regulation.

"Project." See flood control project.

"Protection." A measure of the level of a flood protection or plan, generally measured by the exceedence frequency protected against (e.g., Standard project protection, 50-year protection), (exceedence frequency, threshold level).

"Rationality." See economic rationality.

"Rent." The value to, or the amount paid, a landowner for use of his raw land; a component of location benefit. Economic rent equals the net income of the occupying activity.

"Remaining flood damages." Flood damages which will occur even with a flood plain management plan (flood damages, flood damages prevented).

"Sensitivity analysis." The calculation of the rate of change of the objective function with respect to a particular parameter. An analysis of the components of a plan based upon alternative assumptions and/or projections to determine if a change in a measure would appreciably affect plan choice, design or schedule.

"Site operating costs." The costs of operating a given activity on a given parcel of land. The difference is a component of location advantage. (site development costs, associated costs, development costs, location benefit)

"Standard project flood." A large and improbable flood, usually simulated by placing the largest storm of record in a given region over a specific basin or sub-basin.

"Threshold level." For a given activity and year, the protection level at which the activity is indifferent to locating on or off the flood plain. The activity is indifferent when net incomes, on and off the flood plain, are equal. Threshold levels are crucial to location benefit measurement and to land use analysis.

"Uneconomic." An event which is not economically rational (economic rationality).

"User." Synonym for benefiting activity.

"Value." In this regulation, value means market value; i.e., what a willing buyer will pay a willing seller for a good or service assuming full knowledge by both parties of the pertinent market characteristics of the good or service. The market may be simulated.

"Willingness to pay." The benefit standard for National Economic Development benefits attributable to a flood plain management plan.

"With project condition." The condition of having a specific flood control plan, regardless of sponsorship or operation.

"Without project condition." The condition of not having the specific flood control plan in operation. It is described in terms of what is most likely to occur within an area under evaluation without the specific action, regardless of sponsorship.

"Zoning." Authoritative restriction of uses to which land may be put. A form of land use regulation.

Subpart B—General Principles and Standards of Benefit Evaluation

§ 341.20 Definition and examples of national economic development objective.

This regulation applies where national economic development, providing for an increase in the value of the Nation's output of goods and services and improving national economic efficiency, is an objective. When this is the case, the development of water and related land resources results in increased production of goods and services which can be measured in terms of their value to the user. Increases in crop yields, expanding recreational use, and peaking capacity for power systems are examples of direct increases in national output which result from water and land resource developments. Such developments often result in an increase in the productivity of labor and capital used with these resources. Increases in earnings through changes in land use, reduced disruption of economic activity due to droughts, floods and inadequate water supplies, and removal of constraints on production through improved water quality are additional examples of direct increases in productivity from water and land development that further contribute to national output.

§ 341.21 Relationship of flood control programs to national economic development objective.

A variety of programs, such as flood plain management (including flood control and prevention), drainage, reduction of sedimentation, land stabilization and erosion control, contribute to the national economic development objective by improving the net productivity of flood prone land resources. This occurs either by a direct increase in total output or by reducing the costs for activities using land resources. In the latter case, the resources released are available for use elsewhere in the economy to further increase national economic output. These programs affect land resources and consequently the output of activities in the following manner:

(a) Prevention or reduction of inundation arising from stream overflow, overland waterflow, high lakes stages, high tides, and prevention of damage from inadequate drainage.

(b) Prevention or reduction of soil erosion, including sheet erosion, gullying, and flood plain scouring; streambank cutting, shore or beach erosion, and prevention of sedimentation.

(c) Removal or reduction of limitations on uses of specified land resources.

(d) Adjustments in the manner and mode of flood plain use in recognition of the flood hazard.

§ 341.22 General benefit standard for national economic development.

The benefit standard is the willingness of users (benefiting activities) to pay for each increment of output from a plan.

(a) *Willingness to pay* determines the values of the increase in output from a plan where total value is defined as the willingness of users to pay for each increment of output from a plan. The output of flood control plans is the increase in the productivity of land or the reduction in the cost of using land resources. When users are producers, willingness to pay is determined by the difference in net income accruing to users of land resources benefiting from the flood control plan compared with what the users would earn in the absence of such a plan. When users are consumers (as opposed to producers), willingness to pay is defined as the difference between the cost of obtaining a site of equivalent value in an alternative manner and the cost of using the protected flood plain. If the additional output from a plan is not expected to have a significant effect on the price of land of comparable quality to the protected site, these prices may be used in the estimation of plan benefits.

(b) *Users.* Users may be individuals, households, landowners, firms, or public entities.

(c) *Net income.* Net income is defined as the difference between the value (market or simulated) of output (goods or services) and the cost of (excluding land rent) of producing the output.

(d) *Non-national business and financial losses.* Losses to benefiting commercial activities which are compensated through increased business off flood plain are not national losses.

(e) *Externalities* are effects on parties other than users of the outputs of a plan. Flood damages may result from a plan beyond the area it is designed to protect. When plan induced damages occur to non-protected areas, they must be subtracted from the benefits to the protected area when calculating final benefits of a plan.

§ 341.23 Application of general benefit standards to flood control programs.

While there is only one benefit standard, there are three benefit categories thereunder reflecting different activity decisions made in response to the reduction of flood flows or hazards which result from a flood control plan; namely:

(a) *Inundation reduction benefit.* An activity uses the flood plain exactly the same with and without a plan. The benefit is the increase in net income to the flood plain activity. For activities not now on the flood plain, this benefit will occur only when it can be demonstrated that the activity will have a larger net income at the flood plain site than at the next most efficient available alternative site

(as defined in § 341.3 of this part) without the plan.

(b) *Intensification benefit.* A commercial, industrial or agricultural activity on the flood plain modifies its operation because the reduction in potential flood damages makes it profitable to do so. The benefit is the increased net income to the activity and landowner comparing the current and previous methods of operation. This benefit will occur when the increased output can be produced most efficiently under project conditions by intensified operation on the existing acreage as opposed to increasing production elsewhere or bringing new areas into production.

(c) *Location benefit.* An activity uses the flood plain with a plan but not without, as a result of the reduction in potential flood damages. The benefit is the difference in net income to the new activity comparing the flood plain site to the alternative off-flood plain site which would be used without the plan less the difference in net income for the activity displaced by the new activity.

Subpart C—Evaluation Procedure

§ 341.30 Prerequisites to evaluation procedure.

The following provides a description of those elements which are common to a consideration of all flood control in the plan formulation and evaluation process. Special consideration should be given these elements during the study, and they should be described in the final study report.

(a) *Description of flood plain management plans.* A flood plain management plan is a strategy contributing to appropriate use of flood plains principally by reducing potential flood damage. Such plans will normally involve a combination of measures, regardless of sponsorship, for modifying flood flows and/or reducing damage susceptibility. Each specific plan under consideration will be described in that portion of the report dealing with evaluation and measurement.

(b) *With and without analysis.* Each plan will be evaluated under strict adherence to the principle of with and without analysis. The with condition will be specific in terms of a plan, regardless of sponsorship or level of protection, rather than general terms, such as a flood control program. The without condition will be defined in terms of what is most likely to occur within an area under evaluation without a specific plan. The four cases that follow illustrate and clarify the appropriate without condition.

(1) *No alternative action in the absence of a Corps plan of action.* In this case, the appropriate without situation is that which will exist in the absence of any Corps action.

(2) *Alternative action already taken by other parties.* In this case some flood protection has already been provided. The appropriate without situation includes existing flood protection but without further action by the Corps or any other party.

(3) *Alternative action is anticipated to be taken before Corps action.* In this

case, the appropriate without situation includes such anticipated protection but without further action by the Corps or other parties. For example, flood protection has not yet been provided but there are assurances that it will be provided before a Corps plan could be started.

(4) *Alternative action will be taken in the absence of a Corps plan, but if the Corps undertakes a plan no alternative action will be taken by other parties.* In this case, the appropriate without situation is that which will exist in the absence of action by any party, as in (b) (1) of this section. The rationale for this is that in formulating plans, evaluation of available alternatives (structural, non-structural and mixed) must be undertaken. Likewise a choice must be made from among these alternatives, including those which could be undertaken by other parties in the absence of a Corps project.

(c) *Application of Flood Disaster Protection Act to with and without conditions.* The adoption and enforcement of land use regulations pursuant to the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) will be assumed, both with and without a Corps plan. This is to insure that Corps evaluation procedures conform to Federal policy.

(1) *Regulation certified or near certification.* The Corps office will assure itself that the land use regulation has been or will be certified by the Flood Insurance Administration (FIA) as adequate under 24 CFR 1910.3(c) and/or (d) and 24 CFR 1910.5. In such cases, the without conditions are developed pursuant to the regulation. Further structural, non-structural and mixed alternatives will be considered in Corps plan formulation. The with condition will assume a zoning ordinance compatible with the without condition ordinance in those cases where the 100 year flood is not contained by the Corps plan. Where the flood is contained, it may be assumed that no zoning ordinance will be in effect. This is consistent with FIA policy.

(2) *Regulation not yet certified.* It will be assumed that the local jurisdiction will adopt land use regulations certifiable to FIA in the near future under the without condition as a datum, and for the with condition when a residual hazard will remain. This applies to flood plains regulated pursuant to 24 CFR 1910.3 (a) and (b); to flood plains presently regulated by local ordinances independent of FIA; and to flood plains with no flood regulation presently in effect. The regulation assumed will include the following two crucial features: No further development of the flood plain unless the first floor of the building is elevated to the 100-year level for residences or flood proofed to that level for non-residences; and no occupancy of the floodway which when taken with other developments raises the height of the 100-year flood by greater than one foot anywhere in the flood plain. The possibility of a 24 CFR 1910.5 exemption will not be considered. In those cases where application of this sub-paragraph results in significantly higher benefits to the Corps plan than

would be the case under an assumption of no land use regulations, the District will report this finding and the reasons therefore.

(3) *Exceptions.* In certain cases the prior provisions of this paragraph will not apply. These cases will involve situations where private, non-federally related financing of future development is likely. Such cases will be extremely rare and should be fully supported in the report by an adequate explanation of the unusual circumstances.

(4) *Other applications.* The impact of Pub. L. 93-234 on evaluation has not been fully determined. The use of reduction in premium rates as a benefit category is an example. For the time being, no further changes in evaluation procedure will be made.

(d) *Economic rationality.* The with and without conditions are defined as those which are most likely to occur under each condition. However, for purposes of evaluating structural components of a plan economic rationality will be assumed. (This assumption is necessary since it is contrary to Corps policy to encourage or perpetuate irrational flood plain use.) Economic rationality assumes that activities attempt to maximize returns, have full knowledge of the flood hazard, and will not externalize their flood losses. For those flood plains where a local zoning ordinance forms part of the with and without conditions, the basic test of economic rationality for occupancy is: Do the advantages of the flood plain exceed the cost of complying with the zoning ordinance plus remaining flood losses? For the few other flood plains, the basic test for occupancy is: Do the advantages of the flood plain exceed the expected flood damages or the cost of flood-proofing plus remaining flood losses, whichever is less?

(e) *Base Year Definition.* The base year is defined as the first year in which the recommended plan is expected to be operational. The choice of the base year should allow for the practical minimum time required for authorization, funding, construction and/or implementation, with no attempt made to account for unforeseen delays or unusual expediting in any procedural phase. The selection of the base year should be estimated on as realistic a basis as possible; the following is recommended as a guide:

Procedural phase	Time allowance
Submission of feasibility report to date of plan authorization.	2 years
Plan authorization to date of receipt of initial construction or implementation funds.	2 years
Receipt of initial funds to date plan becomes operational.	Variable depending upon scope and complexity of the plan; shall be identical to period during which interest during construction is charged under current directives.

(f) *Period of analysis.* The period of analysis is 100 years for major reservoirs, major long-term urban protection and main-line levees. It is 50 years for all other flood control measures. The period of analysis is the time horizon over which needs shall be assessed and is the basis for the NED benefit-cost ratio.

(g) *Amortization.* Benefits and costs for each flood plain management plan shall be brought to present worth as of the base year and amortized for 50 and 100 year periods. Projections beyond 50 years are difficult to support. Therefore, neither increases or decreases in flood control benefits for project years 50 to 100 will be assumed or accepted.

(h) *Benefit display.* Benefits shall be displayed in undiscounted average annual values for the current year, the base year, and by decade thereafter. Account will be taken of projected hydrologic, demographic, and economic changes. Average future hydrologic conditions shall not be used.

(i) *Price levels.* Benefits and costs shall be evaluated under prices existing at the time of submission of the report to OCE. In the case of agriculture, apply Water Resources Council (WRC) Guideline #2, *Agricultural Price Standards for Water and Related Land Resources Planning*, Feb. 1974, and subsequent revisions, for all projects covered by the Principles and Standards and related guidance.

§ 341.31 Evaluation procedure.

There are five major steps necessary to evaluate a flood plain management plan. These five steps are: Delineation of affected area; projection of anticipated activities within the affected area; estimation of land use demand; determination of flood plain characteristics; and projection of land use. The level of detail and presentation of each step will vary with the area being studied and should be based upon the criteria of whether plan formulation or evaluation are affected. For example, a stable economic setting, where existing damages justify or nearly justify the proposed plan, will normally require less detail in assessing future benefits than a plan justified primarily on future conditions.

(a) *Delineation of affected area.* The area affected by a proposed plan consists of the flood plain plus all other areas likely to serve as alternative sites for any activity which might use the flood plain if it were protected. A functional approach to delineating the affected area requires obtaining insight as to potential future uses of the flood plain. There are several methods of accomplishing this, such as simply observing current uses of the flood plain, holding public hearings, reviewing local plans, consulting influential citizens, community officials, private firms and utility companies, reviewing economic base studies, Standard Metropolitan Statistical Areas (SMSA) and other large area studies. Potential future uses should first be specified by broad categories including: Industrial (manufacturing), commercial, residential, open space, recreation, agriculture and other.

Working circumferentially from the flood plain, alternative available areas for each such use must be specified. Sufficient area must be included to insure that the affected area is large enough to accommodate at least these major categories of potential future use. When the potential use of the flood plain includes industrial use within an SMSA, the entire SMSA is the affected area; for residential use, even within an SMSA, a much smaller area may be envisioned. In the case of agriculture, it is normally sufficient to specify alternative areas in more general terms.

(b) *Projection of anticipated activities within the affected area.* Projections of demographic and economic activity within the affected area are seldom influenced, in the aggregate, by a plan for flood control. A single set of projections should be developed, therefore, to serve as a basis for the entire analysis. Exceptions to the general rule will be supported by a special explanation of why a plan is likely to cause a different level of aggregate activity. Economic and demographic projections should be made for at least the following characteristics: Population, personal income, manufacturing employment and output, and agricultural output. For any given area, additional projections may be necessary depending upon the potential uses of the flood plain and the sensitivity of the plan to these projections. Projections should be made for the planning period (normally 50 years from the base year) at least by 10 year increments. Demographic projections should be based upon historical trends for the affected area, upon larger area trends or projections such as those put out by the Office of Business Economics, U.S. Department of Commerce and the Economic Research Service, U.S. Department of Agriculture (OBERs), and upon local master plans and projections. However, growth in the flood plain is not likely to be the same as for larger areas. The influence of applicable constraints such as quality of land available, environmental impact and local zoning ordinances must be made explicit in the analysis.

(c) *Estimation of land use demand.* Land use demand within the affected area is obtained by converting demographic projections (e.g., population) to acres. Such conversion factors will normally be derived from published secondary sources, from Corps studies of similar areas, or from empirical data available in the affected area. The categories of land use demand should be only as detailed as is necessary to reflect the incidence of the flood hazard and to establish the benefits derived from a plan. For example, if the affected area has considerable potential for high-rise apartments, then the population projection should be carefully converted to acres which include high-rise densities factors. Conversely, where residential use is small, detailed analysis of the residential sector is of lesser importance.

(d) *Determination of flood plain characteristics.* The existing characteristics of the flood plain must be delineated be-

fore it is possible to determine its potential uses. Therefore, an inventory of the flood plain will be undertaken in order to determine those characteristics which make it attractive or unattractive for the land use demands established in paragraph c of this section. Emphasis will be placed upon those characteristics which distinguish the flood plain from other portions of the affected area. The following categorization should be used as a guide.

(1) *Inherent characteristics of a flood plain.* All or most flood plains have the following characteristics: Flooding; floodway, natural storage; open space, recreation, wildlife, wetlands; transportation; and other.

(i) *Flooding.* A description of the flood situation will be presented, including a designation of high hazard areas. This description will include the characteristics of the flooding such as depths, velocity, duration, debris content, area flooded by flood of selected frequencies, including 100 year frequency, historical floods and Standard Project Flood (SPF). See also § 341.41(c)(1) of this part.

(ii) *Floodway, natural storage.* A description and delineation of those areas which, if urbanized or structurally protected, would affect natural storage, velocity or stage, or in any way affect flood flows elsewhere will be presented.

(iii) *Open space, recreation, wildlife, wetlands.* Many flood plains are potential recreation, open space, wetland, or wildlife preserves, particularly those proximate to an urban area. The potential of the flood plain for these purposes must be recognized and presented.

(iv) *Transportation.* Flood plains near navigable streams have inherent attractiveness for industries which demand water-oriented transportation. Flood plains also often serve as sites for railroads, highways, pipelines, and related facilities which are not susceptible to serious flood damage yet tend to attract industry to the area.

(v) *Other attributes.* Other inherent attributes include: Soil fertility, reliability of water supply, waste disposal, sand, mineral and gravel deposits.

(2) *Physical characteristics.* The existence of certain physical characteristics may effectively preclude use by some activities likely to compete for flood plain land. For example, it may not be feasible for certain types of heavy manufacturing activity to locate in areas possessing unfavorable soil foundation characteristics. Therefore pertinent physical characteristics should be described, including slope, soil types, water table, among others.

(3) *Available services.* Most activities require some or all of the following services: Transportation facilities (highways and rail), power, sewerage, water, availability of labor force, and the like. The availability of such services in or near the flood plain will be indicated, including comparisons with other portions of the affected area. Future planned services for the affected area will also be presented.

(4) *Existing activities.* The inventory of the flood plain will include a list of existing activities, the number of acres and density of each. The total acreage of the flood plain should thus be accounted for; vacant or unused acreage should be separately categorized.

(e) *Projection of land use.* Given the existing characteristics of the flood plain and the remainder of the affected area previously designated, land use demand must be allocated to flood plain and non-flood plain lands, with and without each specific flood plain management plan.

(1) *Basic factors.* The allocation shall be based upon a comparison of three sets of factors. These are: (i) The flood plain characteristics; (ii) the characteristics sought by potential occupants; and (iii) the availability of sought-after characteristics in the non-flood plain portions of the affected area.

(2) *Criteria.* The principle of economic rationality shall be applied. The flood plain will not be used unless it possesses characteristics which give it a significant economic advantage over all other available sites within the affected area. If such advantages exist, the analyst must determine whether they overcome potential flood losses. Flood losses include those to the benefiting activity and to those additional activities induced to use the flood plain; e.g., residential use, induced neighborhood commercial and public facilities. Flood losses will be specific to the zone of the flood plain being considered. A zone is delineated by frequency of flooding. (See § 341.13, "Exceedence Frequency" of this part), under "without plan" conditions, from which the incidence of all benefits shall be specified. This should include flood magnitudes with exceedence intervals of 25, 50, 100 years, the standard project flood and the design flood.

(3) *Procedure.* A consistent procedure will be applied to every plan and protection level under consideration, and to the without plan condition. The appropriate procedure is:

(i) Determine whether future benefits are likely to affect the design, formulation or justification of a flood plain management strategy. If so, proceed to next step.

(ii) Eliminate all uses for which the flood plain offers no advantages and all activities which cannot tolerate flooding or flooding of a certain type (e.g., high velocity).

(iii) For uses attracted to the flood plain, a list of advantages in comparison to alternative sites in the affected area will be presented. For each advantage, the analyst will indicate the importance of the advantage in location choice (e.g., essential, important, desirable, or of marginal advantage). Special attention should be paid to minimum characteristic requirements of each activity type (e.g., ground surface slope may not exceed 15 percent for "X" activity type). Where applicable, the advantage will be explicitly quantified.

(iv) For advantaged uses, an estimate of potential flood losses should be pre-

sented. Often economic losses are minimal; e.g., green belts, municipal parks, game refuge or the use of simple open space. In such cases, continued flood plain use may be assumed. Often a high level of protection will reduce potential losses for any activity in all areas of the flood plain to negligible amounts. In such cases, those activities for which there is a maximum absolute advantage will use the flood plain.

(v) The advantages of the flood plain to related flood hazard will be compared in order to determine whether, for low levels of protection or under the without condition, the advantages exceed the potential flood losses. Historical experience in the flood plain or in nearby or similar flood plains; the ratio of losses to approximate net returns or capital investment; guidelines by Federal and private lending authorities; local master plans which explicitly take flood hazards into account; WRC guidelines; residential interviews; and business interviews are all methods by which such a determination can be made short of detailed quantification.

§ 341.32 Irrational use.

While allocation of land use will proceed under the assumption of economic rationality, there will be instances where occupancy of flood plains in the general area exists, but is not apparently rational; e.g., single family residential use in frequently flooded areas. This should be confirmed in several ways. One is by direct interview of occupants; e.g., did the occupant know he was in a flood plain? What degree of hazard did he anticipate? Another is by discussion with local authorities. A third is by observing historical occupancy and sequence of development to determine whether high hazard flood plain occupancy is common. If deliberate high hazard occupancy is observed, the location decision may be assumed to be rational. Once the existence of irrational use is verified, and the probable increased future irrational use confirmed, the report should (a) base future benefits to structural protection only on rational use, (b) if possible, assist the local entity in devising sound regulatory ordinances to prevent continued irrational use, and (c) claim the prevention of irrational use as a benefit to such regulation, flood plain information, land purchase and other similar non-structural plans or plan components.

§ 341.33 Presentation.

For the recommended plan and for the without condition, there should be presented a map or other graphic display clearly indicating existing and projected land use for the affected area, with appropriate exceedence intervals as indicated in § 341.31(e)(2) of this part.

Subpart D—Benefit Measurement

§ 341.40 Characteristics of flood plain management benefits.

The use of a flood plain is likely to change even in the absence of a flood plain management plan. This change

may result in an increase or decrease of economic activity. A benefit accrues by reducing or modifying the flood hazard to such economic activity. This benefit is referred to as an "inundation reduction benefit." In addition, activities which would use the flood plain even without a project may be encouraged to intensify their use because of a plan (e.g., where a shift from lower to higher value crops occurs). This is referred to as an "intensification benefit." Finally, a plan may induce new economic activity into the flood plain (e.g., where a shift from agricultural to industrial use occurs). This benefit is referred to as a "location benefit".

§ 341.41 Flood damages without project.

The determination of the level of existing and future flood damages without a plan leads directly to computation of the inundation reduction benefit.

(a) *Types of flood damage.* Flood damages can be classified as physical damages or losses, emergency costs, and business or financial losses. Each activity affected by a flood experiences losses in one or more of these classes. Such classification assists in identifying and evaluating the losses and in relating variations in their magnitude to the range of flood conditions expected with and without the project.

(1) *Physical damages* include the damages to or loss of buildings or parts thereof; loss of contents, including furnishing, equipment, decorations, stock of raw materials, materials in process and completed products; cost of cleanup; loss of roads, sewers, bridges, power lines, and so forth.

(2) *Business and financial losses* include the various economic losses other than direct physical damages and emergency costs resulting from a flood, such as net loss of normal profits and return to capital, labor and management in the readily identifiable zone of flood influence. Such losses bear no consistent relation to physical damages and must be derived from specific independent economic data for the interests and properties affected. To the extent that such losses cannot be compensated by postponement of an activity or through transfer of the activity to business establishments not affected, prevention of such loss results in a contribution to national economic development.

(3) *Emergency costs* will include those additional expenses resulting from a flood that would not otherwise be incurred, such as evacuation and reoccupation, flood fighting, disaster relief, increased expense of normal operations during the flood, increased costs of police, fire or military patrol, and abnormal depreciation. Emergency costs should be determined by specific survey or research and may not be estimated by applying arbitrary percentages to the physical damage estimates.

(b) *Existing flood damages without project.* Existing flood damages are potential average annual damages to activities affected by flooding at the time

the study is completed. Existing damages are those either expressed for a given magnitude of flooding or as computed in the damage frequency process. No projection is involved. The basis for the determination of existing damages shall be losses actually sustained in historical floods. Therefore, the analyst should specify the year and month for all significant discharges above zero point of damage and indicate damages actually sustained by reach or zone and type of property and activity. Data on historical flood losses must be supplemented by appraisals and an inventory of the capital investment (including structures and contents) within the flood plain. Estimates of damages under existing conditions for floods of magnitude which have not historically occurred must be computed. Average annual losses will be estimated by using standard damage-frequency integration techniques.

(c) *Future flood damages without project.* These are damages to economic activities which are expected to use the flood plain in the future in the absence of a plan. Future includes any time period after the year in which the study is submitted to OCE. In order to ultimately relate costs to benefits, however, future damages must be discounted to the base year.

(1) *Hydrologic changes.* Changes in basin land use may result in major alteration of the drainage characteristics, particularly surface run-off; such hydrologic changes must be projected for the planning period. Average future hydrologic conditions shall not be used; such techniques obscure situations where a project level of protection may be totally unacceptable by the end of the planning period.

(2) *Economic changes.* Economic changes can be expected to result in a change in the level of flood losses in the future. The following three paragraphs discuss the projection of future flood damages. The level of detail in projecting future flood losses should be based on the effect of the analysis on plan formulation and evaluation. A benefit-cost ratio for existing condition will always be shown. If it is greater than unity, the projection of future benefits may be accomplished in abbreviated form, unless it would distort the comparison of alternatives or the cost allocation and cost sharing in multiple purpose projects. In the latter situation the detail and accuracy of the estimates of flood control benefits should be comparable to benefit estimates for other purposes (e.g., water supply).

§ 341.42 Measurement and projection of physical flood losses.

Measurement and projection of flood damages must be based upon the establishment of actual, observed relationships between damages, flood characteristics, and those indicators used for measurement and projection. Thus, projections of flood damages should be made on the basis of the actual regression coefficients as modified by consideration of

constraints which change the historically derived relationship between flood damages and a given independent variable. Basically, damages are a function of the number and value of each physical unit of property in the flood plain adjusted for the damage susceptibility at each stage of flooding. All of these interrelationships must not only be made explicit in the analysis, but their accuracy and representativeness supported by empirical evidence. There are three steps to be used in measuring flood damages for a future year: Estimating the number and size of physical units; estimating the future value of units; and determining damage susceptibility of units.

(a) *Physical units.* The first step in measuring flood damages for a future year, is to determine from the land use analyses the number and size of physical units in the flood plain by hazard zones for each of the following categories:

(1) *Residential.* The number of physical units can be obtained by relating the number of acres to density, persons per dwelling unit and similar ratios. These ratios can be expected to change over time; however, major shifts would be improbable. Several ratios should be tried to test for consistency, accuracy and sensitivity of any one estimate. Extreme care must be taken to subdivide the residential category into single family and multiple dwelling units since damage per unit of value vary widely for each. Multiple dwelling units should be further subdivided; e.g., into high rises, garden apartments, and low density multiple. Single family residences should be classified as conventional or mobile home units. Type of construction is also important, as discussed below under damage susceptibility.

(2) *Commercial.* The number of commercial establishments can be estimated by relating sales to population, output to sales, acres to output, square footage to gross sales, or by a similar technique. Again, extreme care must be taken to subdivide commercial categories; e.g., retail, wholesale, warehouse, professional and administrative, highway commercial, and other appropriate subcategories affecting the value and damage susceptibility of the physical unit. A causal relationship must be demonstrated between the activity projected (e.g., warehouse), and the independent variable (e.g., manufacturing output within affected area). The interdependence between commercial activity and related socio-economic indicators should be closely checked for consistency and dependability.

(3) *Industrial.* The number of industrial establishments is estimated less readily than commercial or residential. This is because broad regional or national needs will usually dictate the demand for most industrial products. It is not reasonable to assume that the aggregate industrial output of an affected area will be influenced by a flood control program. However, the location of these activities

within the area could easily be affected. Direct interviewing of existing industries and consultation with a responsible land use planning entity as to possible shifts in industrial location patterns is usually feasible due to the relatively small number of industries likely to occupy a given flood plain. Indices of physical units which may be appropriate include capital to output ratios, output per employee, sales to output ratio, capital investment per unit of output, value added per gross sales, and rolling stock per ton-mile. Land available for industry as indicated by local zoning and land use plans may act as a constraint upon development but does not determine the amount of industry which will locate in the flood plain. Recognized projections such as OBERS, McGraw-Hill, National Planning Association, the Federal Reserve, and Resources in America's Future, among others, should also be utilized.

(4) *Public facilities.* These cover a wide range of different types of physical units; e.g., roads and bridges, schools, government offices, sewage treatment facilities, water treatment plants, and parks. Many of these can be projected in the future by determining physical requirements as a function of the population and industrial mix of the affected area. It is noted that some types of public facilities, such as streets and schools will increase virtually in direct proportion to population. Other types, such as junior colleges, will appear for the first time only when a high regional population density is reached. Other types of public facilities do not vary with the population of the local area but rather with regional or national demands; e.g., major freeways, state office buildings, and major universities. As with the industrial category, maximum use should be made of accepted published projections, direct interviews and established land use plans.

(5) *Agriculture.* Acres of land under production, types of crops, and changes in yields per acre are the principal physical units of agricultural measurement. As a rule physical structures on agricultural lands are limited to farmhouses, barns, and related buildings. The number is generally a function of farm type and size. Estimates of physical equipment, such as irrigation equipment, and tractors, in the flood plain may be based upon regional characteristics and trends in farm capital/output ratios or farm capital/land ratios as well as model farm data. Capital equipment for agricultural production is often mobile and can be removed from the hazard of most floods. Farm residence and personal property can also be advantageously located outside of the flood plain in many instances. Information specifying the types of agricultural damages is to be displayed. Additional information should be included to provide details on the time of year and the stage of the growing cycle in order that the origin of the flood damages associated with each of the historical floods can be explained.

(b) *Value per physical unit.* (Not available at this time.)

(c) *Damage susceptibility.* Once the number of physical units and the value associated with each unit are known, damage susceptibility relationships must be established as a function of total value of each physical unit and the flood characteristics of the stream, such as velocity, depth, duration, volume, debris control and salinity. Some of the determinates of damage susceptibility are:

(1) *Location within the flood plain.* An industry located between the 50 and 100 exceedence interval of a flood plain is less flood prone than the same one located within the fifteen year flood plain.

(2) *Type of activity.* Certain types of activity are more susceptible to damages than others. For example, single family residences usually sustain greater damage per unit value than high-rises. Another example is in comparison of damage to crops and single family residences. The latter are usually built to allow for rapid lot drainage; hence, major damage often does not begin unless depth of flooding exceeds one or two feet above natural ground level. Flood duration similarly affects alternative activities in different ways. The calculation of remaining damages should be particularly cognizant of activity type. Plans should consider the implications of elevation, flood proofing, evacuation and relocation, and all other management options.

(3) *Vertical development.* As the value of each physical unit increases, historical trends indicate that the number of stories in buildings increases because of land scarcity. For most streams, flood waters do not reach second stories or above. In some areas basements are traditional and in other areas slab foundations predominate; both affect damage susceptibility.

(4) *Material used.* Some materials are inherently less prone to flood damage than others. For instance, cinder block is normally less prone to flood damage than wood.

(5) *Individual response.* As property value increases, owners may be expected to take individual actions to reduce damage susceptibility, such as keeping valuable household items on the second story. The cost of flood proofing serves as a limit on the level of damages which a rational activity is willing to accept. The rational action of an average individual should apply when trying to anticipate the response to a flood hazard situation.

(6) *Unknown commodities and materials.* Increases in damages will not be assumed where the nature of commodities and materials projected in the future are unknown. This is because the susceptibility of such commodities and materials to flood damages cannot be known, and many aspects of "known" projected activity cannot be accurately perceived.

§ 341.43 Projection of business and financial losses.

Business losses can be projected to increase in the future only under special circumstances. The special circumstances are when it can be shown that future losses cannot be compensated through a transfer of sales to other establishments.

Such a showing will require a determination of the number and location of similar businesses in the general area. In no event will increases in physical losses be used to directly project business losses.

§ 341.44 Projection of emergency costs.

Emergency costs encompass a wide variety of programs. Some, such as emergency shelter and food, are primarily a function of the occupancy of the flood plain, but not of the value of development in the flood plain itself. In no event will emergency costs be projected to increase as a direct function of physical losses.

§ 341.45 Inundation reduction benefit.

The inundation reduction benefit is the value of reducing flood losses to activities which would use the flood plain without any plan. Structural measures directly reduce flood flows. Evacuation reduces flood losses without modifying flood flows. Early warning systems reduce flood losses. Flood plain regulations governing flood proofing and building materials also reduce damage susceptibility.

(a) *Flood damages reduced.* Inundation reduction benefits are measured as the reduction in the amount of flood damages or related costs. Related costs are those which would be voluntarily undertaken by economically rational individual activities to reduce flood damages. An important example is where flood proofing is expected without a plan. In such cases the benefit is the cost of flood proofing plus damages assuming flood proofing, less residual damages.

(b) *Market value of land.* The difference in the market value of land with and without a project reflects the capitalized increase in net income associated with the project. This proxy is not perfect and in some instances, such as flood plain evacuation, is meaningless. Therefore, the reduction in flood damages often provides a more practical and representative measure of inundation benefits than does increase in land value. However, the land value approach is a useful check on benefits, especially in a stable agricultural situation. The influence of externalities must be carefully considered whenever land values are used in the benefit algorithm.

§ 341.46 Location benefit.

The location benefit is the value of making flood plain land available for new uses by reducing flood hazards to activities which would use the flood plain only with protection. An example is when a plan permits industrial use of a flood plain which would be in agricultural use or vacant without the plan. Any flood plain management strategy which reduces potential flood losses can potentially give rise to a location benefit. Location benefits are narrowly defined in this regulation. The benefit for producers is the difference in the net income accruing to users of land resources which would locate on the protected flood plain when compared to what these users would earn in the absence of a plan. For

consumers, the benefit standard is defined as the difference between the cost of obtaining a site of equivalent value in an alternative manner and the cost of locating on the protected flood plain. Three techniques are available to measure location benefits. These are: Net income differences, threshold levels, and changes in the market value of land. These techniques represent a compromise between theory and the time and data limitations facing Districts. Because they are not equivalent, two methods will be used in each calculation of location benefits. The choice of values for location benefits used in the final benefit calculation should be based on an explicit evaluation of the reliability of the alternative estimates. Finally, the reduction of flood related expenses is an upper bound on location benefit, no matter which method is used.

(a) *Net income differences.* The benefit is derived in six steps:

(1) For a displacing activity, calculate the net income difference for the activity (where costs exclude land rent and flood damages) between the alternative site and the flood plain site.

(2) For a displaced activity (if any), calculate the net income difference (where costs exclude land rent and flood damages) between the alternative site and the flood plain site. This step is primarily designed to insure that the loss of agricultural productivity on a fertile flood plain is not overlooked.

(3) Add the increases in net income of the displacing activities less the decreases in net income of the displaced activities.

(4) As with all evaluation categories, residual damages to induced development must be subtracted from gross location benefits. Note that induced development includes activities which locate on the protected flood plain solely because another activity locates there. For example, if residential development occurs on the flood plain, schools, commercial businesses and other activities will locate there also. This reduces the benefit attributable to the flood control plan because residual damages to such activities must be deducted from location benefits.

(5) Flood damages reduced to activities which have been displaced by the induced activities should be subtracted if such reductions have already been counted as part of an inundation benefit.

(6) External flood damages must be deducted. Taken together, steps 4, 5 and 6 call for a thorough analysis of induced and remaining flood damages.

The net income approach will have greatest practical application where the advantages of the flood plain relative to alternative sites are specifically identifiable and quantifiable, and the displaced activity is agricultural (or vacant).

(b) *Threshold levels.* The threshold level is that level of protection at which a new activity is economically indifferent between location on the flood plain and off the flood plain. Viewed from a flood frequency perspective, for example, an

activity may be indifferent to moving onto the flood plain if a 50-year level of protection were assured. Any level of protection above 50 years, therefore, would induce the activity onto the protected flood plain. The benefit above this level may be quantified in terms of flood damages reduced to the new activities. Flood damages reduced to the old activity must be subtracted to avoid double counting of benefits if they have been claimed as inundation benefits. Finally, external flood damages must be deducted (similar to paragraph (a)(6) of this section).

(1) *Rationale.* The method is analogous to the use of flood damages reduced to measure the inundation benefit. It will be noted that in the case of inundation benefits, the threshold level of protection is no protection.

(2) *Some suggested methods of measurement.* The following are suggested as aids in quantifying threshold levels:

(i) *Direct interview with potential flood plain users.* Because of the limited number of interviews necessary, this approach would be particularly useful in intensification situations and for industrial, commercial, and home construction firms which are already in the general area.

(ii) *Institutional sources.* Various sources on information include: local flood control districts, local zoning ordinances and Federal flood plain management offices.

(iii) *Flood damages per acre.* Where the flood plain is fairly homogenous except for the flood hazard, the flood damages per acre (or other unit) on the portion of the flood plain which is expected to experience the same development pattern with or without the plan approximate an acceptable level of flood hazard. Every advantage should be taken of statistical sampling techniques under these conditions.

(iv) *Similar projects.* The effect of Federal or local projects along the same stream or other similar streams may indicate the threshold level. For example, if 50-year channel works induced residential development in a nearby area, the 50-year protection threshold level for the study area would probably be similar.

(v) *Location within the flood plain.* Low levels of protection may induce development of only those areas of the flood plain which are not subject to large damages.

(vi) *Prior determinations.* Where a detailed analysis (subsequent paragraphs) of development and operating costs has established a given threshold level for a stream, the same level may apply for other streams in the area or other streams with similar characteristics.

(vii) *Shape of damage curve.* For example, where potential damages occur primarily in larger floods, a high level of protection will be necessary to induce activities to locate in the flood plain.

(c) *Changes in the market value of land.* Changes in market value of land can be used to measure location benefits.

The value of land is established through market transactions and is influenced by buyers and sellers considering the estimated effects of risk, uncertainty, probability of higher use, and the time lapse before particular land parcels are expected to shift into a higher order of use. Consequently, market land value represents the present capitalized value of the anticipated future income stream (rents) associated with the expected uses of the land. Changes in the market value of land can be used to measure the benefits to activities which would locate in the flood plain when there are important externalities associated with a plan. Thus, there are two uses of changes in the market value of land.

(1) *Location benefit to users.* The benefit is the difference in the market value of flood plain land with and without a plan.

(i) *With plan value.* If the plan does not result in a major addition to the supply of land in the area, the value with protection is the market value of comparable flood free land. If the plan results in a major addition to the supply, the effect on the general price of land should be taken into account in estimating the value of flood plain lands with protection. The flood free land must be comparable in terms of physical and infrastructural characteristics, e.g., water availability, transportation, soil stability, utilities, amenities, and so forth.

(ii) *Without plan value.* The value of nearby flood plain sites should be used or, where reasonable, the current value of the flood plain. In either case, the current and, where available, past market values of the flood plain will be reported. Actual market values will be used, not capitalized income values. Hence, it must not be assumed that the value of land being used for agriculture in an urban or urbanizing situation is the capitalized value of agricultural returns and that any value higher than that is due to (a) speculation on a Corps' project or (b) lack of knowledge. On the contrary, without values in excess of agricultural values are to be expected, reflecting the probability of future use as well as existing and anticipated infrastructural investments (e.g., highways, water supply, etc.). In addition, the comparable without project sites should not be flood free agricultural sites.

(iii) *Projection of market value of land.* Projected increases in the market value of land with and without a plan may not be used to measure flood control benefits. This is because the current market value of land theoretically captures the expected stream of benefits over time.

(iv) *Data problems, sources and display.* Comparable sites should always be specified both as to location and as to sales data utilized for establishing the price. In addition, the comparable sites should be displayed on a map. The number of observations and an analysis of the range of values must be based on sound statistical procedures. In addition, the difference in with and without values

must be net of differences due to zoning and to parcel size. Market values may be obtained from reports of land transactions, appraisals and assessments and other sources depending upon data availability and reliability.

(v) *Computation of benefits from market value data.* The Federal rate of return will be used in converting market values to average annual benefits. This is because of the difficulties in converting a nominal private rate of return to a real rate of return by adjusting for inflation. Of course, residual damages to induced activities must be deducted. Increased flood damages to areas outside the protected area must also be deducted and inundation benefits to displaced activities must be deducted if these were claimed as inundation benefits.

(2) *Effects from externalities.* In addition to its effects on flood damages outside the protected area, a plan may have other effects on activities near the flood plain. For example, when a plan permits the development of a flood plain which otherwise would be open or green space, nearby activities may suffer losses. These losses would be reflected in a decline in land values in the nearby areas. Conversely, open or green space as a component of a flood plain management plan may raise surrounding land values. When such externalities are expected to be important and can be estimated, they should be included in the location benefit calculation.

§ 341.47 Intensification benefit.

The intensification benefit is the value of a plan to activities which are thus enabled to utilize their land more intensively. An example is where the reduction of the risk of flooding permits a user to invest additional labor or capital in the land, thereby producing higher crop yields or converting woodland or pasture to crops. This same type of benefit can accrue in urban settings. For example, homeowners may decline to renovate older homes due to a flood threat or properly utilize land available for expansion; the removal of the threat results in an intensification benefit. A flood plain management plan which embodies preservation or enhancement of open space, parks or historic sites may also result in large intensification benefits in urban settings where a high demand for such uses exists. Residual flood losses to these intensified activities must also be considered when calculating net flood damages.

(a) *Direct measurement.* Revenues and costs are usually available for agricultural activities. Direct measurement of net income changes is therefore possible. Net agricultural income for future years may be obtained by estimating anticipated net productivity gains in agriculture for the area under analysis. Factors of production should be made explicit. The analyst should utilize expert opinion, past trends and data from "model" farms such as those run by agricultural experiment stations. Net productivity is the increased yields and commodity price per acre adjusted for the change in costs, including inundation

damages associated with the new operation. Under the majority of circumstances, it may be assumed that no individual project is likely to influence the productive practices of agricultural activity elsewhere. Although extremely difficult to measure, the cumulative effect of agricultural intensification benefits for each project should reflect the net reduction in agricultural income lost elsewhere because of the project. This means that the benefit is limited to the savings in cost for induced production when compared to production on upland areas, and must be so calculated whenever possible. In no case may this exceed the savings in the cost for induced production in the flood plain itself.

(b) *Threshold levels.* Similar to the measurement approach for location benefits, intensification benefit can be measured by those flood damages reduced above the threshold level.

(c) *Market value of land.* As discussed under inundation reduction and location benefits, market value is normally not preferred as a measure of benefits; although it does provide a useful check upon other techniques and may serve as a parameter of benefit worth.

§ 341.48 Remaining flood damage situation: Categorization.

The remaining damages are those which are expected to occur even with a flood plain management plan in operation. Categories of remaining damages are:

(a) Damages to activities which would occupy the flood plain with as well as without the plan. Damages to these activities may be increased by the presence of induced activities because the induced activities reduce the natural storage area of the flood plain (e.g., by floodway encroachment). Such effects are a part of the remaining damages.

(b) Damages to activities which would occupy the flood plain only with the plan. Again effects of increased flood heights resulting from induced development are a part of the remaining damages.

(c) Increased damages to activities outside the protected area under the with—as compared to the without—condition. For example, the plan itself or the development induced by a plan may cause increased or new flooding on the fringe of the flood plain or up and downstream. Such external effects are a part of the remaining damages.

§ 341.49 Remaining flood damage situation: Display.

The quantity and nature of remaining flooding, particularly for large and infrequent floods, will have an important bearing on plan formulation, evacuation and recommendation as already indicated §§ 341.44–341.46 of this Part. Benefits resulting from a plan must be net of residual damages. Therefore, the benefit evaluation and measurement part of any report shall separately describe and quantify remaining flooding. In order that an unacceptably large remaining loss condition does not remain under

any given plan, and in order that plan induced losses are not overlooked, it is most important that remaining losses are carefully and explicitly presented. The remaining flood situation should be described by at least the following parameters:

(a) *Average annual equivalent residual flood losses.* Such losses are to be presented in average annual equivalent flood losses, existing and projected, brought to present worth, and amortized.

(b) *Residual average annual losses for selected years.* Annual losses, on an undeferred basis, shall be presented for the current year, the base year, and by decade thereafter. Full account will be taken of projected hydrologic demographic and economic changes. Average future hydrologic conditions shall not be used.

(c) *Standard project flood.* Flood losses with project are an extremely important factor in plan choice in urban situations, especially where the possibility of a catastrophic flood remains. A catastrophe occurs when an urban area is crippled for a sustained period, where a substantial infusion of Federal, state or regional rehabilitation funds (disaster relief) is necessary, or where it could be expected to be deemed a Federal or state disaster area. Likewise, a catastrophe occurs when a serious danger to life exists or extensive property damage results. It is possible that a plan may be effective in reducing average annual flood losses but ineffective against large (SPF) floods; e.g., thus levees may be overtopped and far upstream reservoirs may not effectively reduce damaging stages at the downstream damage center. A plan could actually increase the disaster potential of an area by inducing unwise use of the flood plain unless land use is regulated with full recognition of the remaining hazard. Therefore, remaining flooding in a SPF flood, with the plan, must be fully described. With plan, SPF damages will be presented on an undeferred basis for the selected years listed in the prior subparagraph. The number of structures and acres by land use type, the disruption of essential services (water, power, fire protection and sanitary services) and the distance to unaffected essential services, the depth of flooding, and anticipated warning time, the velocity, duration, typical debris content and any other pertinent descriptors of the residual flood situation will be presented. Similarly, damages and descriptors under without plan conditions will be presented for comparative purposes. The presentations of SPF losses will clearly distinguish between losses to plan induced or intensified development, losses to development which would locate in the flood plain with and without the plan, and increased losses to development off the flood plain.

Subpart E—Validation of Benefit Evaluation

§ 341.50 Methods for adding validity to benefit evaluation.

The following is a brief discussion of several methods by which the planner

can improve the credibility of the results of a proposed plan. The suggested techniques are not all-inclusive, and many may not be applicable in the majority of analyses. The inclusion of such tests may be required under certain conditions and will be expected whenever there is any significant question regarding the validity of the underlying analysis.

(a) *Sensitivity analysis.* Sensitivity analysis is a necessary feature of any good, multivariable analysis. The planner cannot be satisfied with the definition of a plan for resource (e.g., land, water, recreation, etc.) allocation that is optimal for a specific set of conditions if the plan is particularly sensitive to changes in the model. Water and land resource allocation models require the planner to predict both the rate of changes in the assumed values of the model parameters and the range of conditions over which any particular plan is recommendable; these data are obtained by sensitivity analysis. In cases where a solution is found to be particularly sensitive to a given variable or parameter, such information must be made explicit in the plan formulation and evaluation report.

(b) *Utilization of sampling techniques and statistical testing.* This method can be applied whenever practical, statistically sound sampling techniques can be utilized in the collection of data on flood plains and their affected areas. Sampling is not only an excellent means of reducing the cost of the study effort, but can often result in data which are statistically superior to a total survey approach in terms of accuracy and consistency. In addition, the planner is in a position to predetermine a sample size which will produce results of a comparable accuracy (and cost) with the remaining study elements. This is possible by choosing a sample size whose level of confidence (probability) is no greater nor less than that of the study as a whole. Except when a true sample is utilized, statistical measures of probability cannot be accurately quantified. Likewise, knowledge of data characteristics such as distribution and mean variation can assist the planner substantially in the design of sensitivity tests, optimal solutions and overall estimates of study result probability for further plan formulation and evaluation.

(c) *Quantifying variable relationships.* Whenever a cause and effect relationship is assumed to exist between a study (dependent) variable and one or more independent variables, a coefficient of correlation and determination must be cited prior to its introduction into plan formulation and evaluation. Whenever this same relationship is projected into the future, the source of the projected, independent variable must be cited and the final regression coefficients conspicuously displayed in the final report. In addition, an indication of how well the regression equation described the assumed relationship must also be stated; e.g., a measure of the dispersion of the actual values of Y about the regression line,

similar to the variance or the standard deviation for the mean average of the previously discussed sample. There are numerous standard analytical computer routines which the planner can utilize for this task, including those available within the Corps System of Information Retrieval and Analysis for Planners (SIRAP) program.

§ 341.51 Assumptions and hypotheses.

A summary of study assumptions and hypotheses to be utilized in a study effort should precede the presentation of the analysis. An indication of the sensitivity of study results (direct or indirect) to changes in each study assumption, hypothesis or variable should be noted at the time of its introduction into the analytical process; (e.g., a hypothetical example might read, "the study assumed a fertility rate of 2.7 percent by the year 2000. Alternative assumptions of 3.1 percent and 2.45 percent were also tested and resulted in less than 5 percent change in aggregate water supply requirements and a 3 percent change in total benefits, with no change in project design implied."). It should be noted that many assumptions possess a certain consistency. These interdependencies should be tested as a unit, for if one is accepted the others are presumed; (e.g., the production of fertilizer for domestic use presumes a given level of crop production).

§ 341.52 Probabilities of occurrence.

Although often difficult to quantify, some indication of probability should be associated with each variable, hypothesis and assumption found to be significant to the study results. Whereas study results may be highly sensitive to a given assumption, if the planner has a high level of confidence (high probability) in its occurrence, its use in plan formulation and evaluation would be justified. If high sensitivity is combined with a low level of confidence, the planner should attempt to avoid its use in the analysis or at least conspicuously display a range of values or options associated with alternative levels of probability from which he chose. In extreme cases where the probability of occurrence or validity may be critical (analytically or politically), the methods by which these probabilities were derived should be well documented. This would include, when applicable, a routine use of the null hypothesis, specific tests of significance (t-test, standard deviation, variation) measures of skewness, tests of variability of data values within an array (Chi-square and regression), and various approaches to hypothesis testing and estimation.

§ 341.53 Some specific checks.

In addition to the recommended plan's Benefit-Cost ratio, which must be cited,

there are several specific checks which should also be included in a flood control report:

(a) *Break-even years.* There are two significant break even years. As used herein, annual charges for multiple-purpose projects are based on allocated costs:

(1) The project year in which undiscounted annual benefits first exceed annual charges.

(2) The project year in which discounted benefits exceed annual charges assuming no further increases in benefits.

(b) *Internal rate of return.* The rate of interest at which benefits equal costs over the period of analysis (i.e., benefit-cost ratio equals 1.0).

(c) *Discount rate.* For authorized projects, the effect of using the current Federal discount rate should be presented.

(d) *Value per structure.* As previously discussed, increases in future damages relate to increases in the number of structures as well as increases in the value of structures and contents. Whenever increases in damages are based upon increases in value, a sensitivity analysis should be accomplished under the alternate assumption; i.e., there is no increase in the average value of structure or contents; that increases in damages are due solely to increases in the number of structures and/or shifts from one type of structure to another.

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PART III

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service



GUIDELINES FOR REVIEW OF FISH AND WILDLIFE ASPECTS OF PROPOSALS IN OR AFFECTING NAVIGABLE WATERS

Notice of Proposed Adoption

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

GUIDELINES FOR REVIEW OF FISH AND WILDLIFE ASPECTS OF PROPOSALS IN OR AFFECTING NAVIGABLE WATERS

Notice of Proposed Adoption

Notice is hereby given that the guidelines set forth in tentative form below are proposed by the Director, Fish and Wildlife Service, for use by Service employees in the review of proposals for Federal and federally permitted or assisted work and activities to be conducted in navigable waters. These review functions delegated to the Service by the Secretary of the Interior are prescribed by the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; 48 Stat. 401, as amended), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347; 83 Stat. 852), the Estuary Protection Act (16 U.S.C. 1224; 82 Stat.

627), the Department of Transportation Act (49 U.S.C. 1653(f); 82 Stat. 825), the Federal Aid Highway Act (23 U.S.C. 138; 82 Stat. 823), the Airport and Airway Development Act of 1970 (49 U.S.C. 1712 (c) and (f), 1716(c) (4); 84 Stat. 222, 227), the Watershed Protection and Flood Prevention Act (16 U.S.C. 1008; 72 Stat. 567), and the Endangered Species Act of 1973 (16 U.S.C. 1536; 87 Stat. 892), as well as basic and other authorities of the Service.

Notice also is made of the availability for public inspection of the Service's complete Navigable Waters Handbook, including the main text, published herein, and the Appendices A through I which are not published but are referenced in the main text. The complete handbook may be inspected at any of the following listed regional and area offices of the Service during the hours indicated Monday through Friday of each week excepting Federal holidays:

Office location	Street address	Room No.	Business hours
Portland, Ore. 97208	1500 Northeast Irving St.	264	7:30 to 4:15.
Albuquerque, N. Mex. 87103	500 Gold Ave. SW	10102	8:00 to 4:30.
Twin Cities, Minn. 55111	Federal Bldg., Fort Snelling	658	7:30 to 4:00.
Atlanta, Ga. 30323	17 Executive Park Drive, NE	342	7:15 to 3:45.
Boston, Mass. 02109	U.S. Post Office and Courthouse Devonshire and Water Sts.	809	8:00 to 4:30.
Denver, Colo. 80215	10597 West Sixth Ave.	None	7:30 to 4:00.
Anchorage, Ark. 99501	813 D Street	None	7:45 to 4:30.
Washington, D.C. 20240	Interior Bldg., 18th and C Sts. NW	2543	7:45 to 4:15.

Prior to formal adoption of the proposed guidelines, consideration will be given to any comments, suggestions, or objections thereto which are submitted to the Director, Fish and Wildlife Service, Interior Building, Washington, D.C. 20240, Attention: Division of Ecological Services, by September 23, 1974.

Until final guidelines are promulgated by the Director, Fish and Wildlife Service, these proposed guidelines will provide interim guidance to all Service employees reviewing proposals for Federal and federally permitted or assisted work and activities to be conducted in navigable waters.

NAVIGABLE WATERS HANDBOOK

1. Introduction.

1.1 Purpose and Arrangement of Material. A. This brings together the policy and procedural guidelines and pertinent reference materials applicable to the program of the Division of Ecological Services, Fish and Wildlife Service, regarding dredge, fill, materials discharge and disposal and related Federal and federally permitted work and activities conducted in and adjoining the Nation's waters.

B. The guidelines are presented in this 10-section main part of the handbook, and the reference materials are organized in 9 appendices: A through I. Appendixes A, B, and C include, respectively, form letters and reports, recording forms and other procedural aids, and standard recommendations. Appendix D contains legal and related references; Appendix E, official policy statements of Interior; Appendix F, official policy statements of other entities; Appendix G, technical references; Appendix H,

general educational material; and Appendix I, procedural references, including definitions of terms.

1.2 Developments and Activities Covered—A. Summary of Coverage. The handbook is applicable to all works and dredge, fill and other activities affecting navigable waters that are sanctioned, permitted, assisted, or conducted by the Federal Government. The central focus of the handbook is on the navigation permit program of the Corps (Corps of Engineers, U.S. Department of the Army) conducted under the Act of March 3, 1899, and related Acts (App. D-2a), but the coverage includes:

(1) Works and activities in navigable waters, federally permitted by the Corps under Sec. 10 of the Act of March 3, 1899, App. D-2a. These include various works and activities secondarily permitted by the Corps such as: mineral exploration and development on outer continental shelf and other public lands for which leasing and certain basic permitting authority rests with the Secretary of the Interior; rights of way on public lands for which authority rests in a number of Federal land administering agencies including several bureaus of Interior, the Forest Service and others; and use, occupancy, and filling of and removal of sand, gravel, and coral from tidelands, submerged lands, and filled lands in or adjacent to Guam, the Virgin Islands, and American Samoa which is permitted by the Secretary of the Interior under Sec. 2 of the Act of November 20, 1963, App. D-2w.

(2) Discharges of pollutants and the disposal of materials in navigable waters and the transportation for and dumping of materials in ocean waters will be the

subject of a separate handbook, but they are covered in summary here because of their relation to the fully covered activities:

(a) Discharge of pollutants into navigable waters, federally permitted by the EPA (Environmental Protection Agency) or by the State with oversight by the EPA under Sec. 402 of the FWPCA (Federal Water Pollution Control Act, as amended by Pub. L. 92-500)—the NPDES Permits (National Pollutant Discharge Elimination Systems Permits), App. D-2s.

(b) Disposal of dredged and fill material in navigable waters and transportation of dredged material for ocean dumping, federally permitted by the Corps with oversight (and veto power) by the EPA under Sec. 404 of the FWPCA, App. D-2s and under Sec. 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA), App. D-2x.

(c) Transportation of materials other than dredged material for dumping in ocean waters and dumping of such materials in the territorial sea federally permitted by EPA under Sec. 102 of the MPRSA, App. D-2x.

(d) Disposal of sewage sludge which would result in any pollutant entering navigable waters, federally permitted by the EPA or by a State with oversight by the EPA under Sec. 405 of the FWPCA, App. D-2s.

(3) Bridges and causeways over navigable waters federally permitted by the U.S. Coast Guard under P.L. 89-670, App. D-2m, and basically under Sec. 9 of the 1899 Act, App. D-2a.

(4) Federal navigation projects including maintenance dredging and spoiling as well as all types of construction.

(5) Federal hurricane protection projects.

(6) Federal beach erosion control and nourishment projects.

(7) Other federally conducted or sanctioned work such as channels, highways, airports, transmission lines, etc.

(8) Steam electric plants and other facilities using natural waters for cooling will be the subject of a separate handbook. They are covered here in summary fashion because they frequently require a permit from the Corps under Sec. 10 of the 1899 Act and a NPDES permit under Sec. 402 of the FWPCA as well as a construction permit and operating license from the AEC (Atomic Energy Commission) if nuclear fueled.

B. Corps, EPA, and Coast Guard Permits. (1) The Secretary of the Army is authorized by the Act of March 3, 1899, to issue permits to construct piers, jetties, or similar structures, or to dredge and fill in the navigable waters of the United States. This authority is assigned to the Corps, except that the Coast Guard, Department of Transportation, issues permits for construction of bridges and causeways over navigable waters as provided in Pub. L. 89-670, the Department of Transportation Act.

(2) The 1899 Act makes it unlawful for anyone to conduct any work or activity in navigable waters of the U.S.

without a Federal permit. Government agencies, Federal, State, and local, as well as persons, corporations, and other entities must apply for a permit when they propose works or an activity in such waters, and they must obtain a permit prior to commencing the construction or other activity.

(3) Dikes, dams, and similar obstructions to navigation require the consent of the Congress as well as approval of plans by the Chief of Engineers and the Secretary of the Army (see App. D-4a, Sec. 9) unless the navigable portions of the involved water body lie wholly in one State. In the latter case the structure may be built under authority of the State legislature but the plans and any modification thereof must still be approved by the Chief and the Secretary.

(4) When the District Engineer (CE) or District Commander (CG) receives an application for a permit, he routinely issues a public notice giving the details of the work to be performed under the permit. These notices are distributed to the appropriate Service regional and area offices and to other bureaus of Interior, the EPA, the NOAA, and other Federal or State agencies and interested individuals, usually with a 30-day deadline for receipt of any comment and recommendations.

(5) The authority of the Corps to issue permits for the discharge of refuse into or affecting navigable waters under Section 13 of the Act of March 3, 1899, was greatly modified by the Federal Water Pollution Control Act Amendments of 1972 (Sec. 2 of Pub. L. 92-500, October 18, 1972).

No Section 13 permits may be issued henceforth by the Corps for the discharge of pollutants into navigable waters from point sources. Section 13 permits in existence and pending applications for such permits for point sources were made one with the NPDES permit system administered by EPA or the State with EPA oversight under Section 402 of the FWPCA. Section 13 remains a viable prohibition against any type of unauthorized discharge or deposit covered by this section for which application for permit has not been made and against certain other violations. Permits for disposal or deposit of dredged or fill material in navigable waters, issued by the Corps under Section 10 of the 1899 Act, now require approval of EPA under provisions of the FWPCA relating to these permits and those for disposal of sewage sludge. Note also that under Section 403 of the FWPCA, special provision is made for control of ocean discharges, through NPDES permits. Transportation for and dumping of materials in ocean waters are controlled by EPA and the Corps under provisions of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532, October 23, 1972; App. D-2x).

(6) The Coast Guard processes applications for bridges and causeways much the same as the Corps does applications for other work (see flow chart App. B-4a). Service review and reporting on CG applications is similar to those for the

Corps, with the substitution of proper agency references.

(7) The processing of NPDES permit applications by the EPA or the States and of ocean dumping permits by EPA will provide for review and comment by the Service at the Regional Office level much the same as with applications handled by the Corps. Each Regional Office must assure itself that it is properly notified of permit applications and apprised of actions related to the Service interest in these new programs approved in 1972 (see App. D-2s and D-2x).

(8) The Department has no inter-agency agreement with the Department of Transportation (Coast Guard) or with the EPA on procedures for Secretarial review as it has with the Department of the Army (Memorandum of Understanding of July 13, 1967, see App. E-3) so that any issues that cannot be resolved at the Regional Office must be submitted to the Central Office for resolution on a case-by-case basis.

C. Permits Involving both Federal Public Lands or Other Federal Responsibility and Navigable Waters. (1) Various private works and activities are permitted on Federal public lands, e.g., mineral exploration and development, canal and transmission line crossings, hydroelectric power development, etc. Other works involve federally assigned responsibility, e.g., nuclear steam-electric powerplants. These works and activities when they impinge on navigable waters also require a permit under Section 10 of the 1899 Act. They may also require other permits for discharges or materials dumping and water quality certifications and marine sanctuary certifications under the FWPCA or the MPRSA.

(2) Construction, operation, and maintenance of physical structures of hydroelectric projects licensed under the Federal Power Act do not require such separate permits because all public interest aspects including navigation are provided for under the Act. However, plans for any dam or other structure of the FPC project that affects navigation must have the approval of the Chief of Engineers and the Secretary of the Army. Also, any dredging, filling, discharge, or disposal related to an FPC project but not constituting construction, operation, or maintenance of the project's physical structures does require Federal permits of the Army. Some FPC licensed works and related activities may also require an NPDES permit and water quality certification.

(3) Outer continental shelf and other public land leases for oil and minerals exploration and development are executed by the Secretary of the Interior through the Bureau of Land Management, and permits for drilling and other mineral developments are issued by the Geological Survey with the advice of other Interior bureaus.

Also Interior bureaus, the Forest Service, and other Federal land management agencies issue rights-of-way and other permits which, in particular cases, involve navigable waters. It is apparent,

therefore, that related navigation permits issued by the Corps and Coast Guard and NPDES permits issued by EPA or a State to cover these may involve two separate Service reviews.

(a) Any Service review of inhouse Interior leasing and permitting actions, excepting rights-of-way, usually has taken place at the Washington level. Procedures for interbureau coordination within Interior on the selection of areas to be offered for lease sales and as to conditions to be included in drilling and other exploration and development permits to be issued by GS are the subject of an interbureau memorandum of understanding (App. E-2) and detailed procedural guidelines are being developed.

(b) Rights-of-way applications made to Interior bureaus and the Forest Service are normally reviewed by the Service at Regional Office level on a case-by-case basis under somewhat loosely defined procedures similar to those for Federal projects.

(c) Dr. King's September 23, 1971, instructional memorandum and enclosures on outer continental shelf lands (App. E-9) explain the procedures with respect to applications for Sec. 10 permits of the Corps on these Interior approved activities. Essentially, District Engineers of the Corps review applications for permit on outer continental shelf activities only from the standpoint of navigation and national security.

The Secretary of the Army desires and has asked Interior to provide the District Engineer with assurance in writing for each application related to outer continental shelf lands "that fish and wildlife and other environmental matters were reviewed and that there is no objection * * *" to the issuance of a permit. Interior has agreed to this procedure based on the fact that the Secretary has adequate authority to protect the environment through leasing and regulatory authorities on the outer continental shelf lands. No doubt the Corps will want similar assurance on other applications where the primary approval is given by Interior. Likewise, the Coast Guard will want such assurance in similar situations.

(4) No definite arrangements have been made for interbureau review in Interior of the permits for use, occupancy, filling, and excavation of tidelands and submerged lands of Guam, the Virgin Islands, and American Samoa issued by the Secretary although those related to the Virgin Islands have been informally conducted at regional level. Efforts are underway to develop suitable comprehensive procedures.

(5) As noted above, activities primarily approved by Interior may also require a Corps permit, processed at regional level. In these cases the Corps permit is issued subsequent to the Interior permit and, as noted, is only addressed to navigation and national security with Interior having full responsibility for environmental matters. Other permits and certifications under the FWPCA and the MPRSA also may be involved.

In all of these cases where two or more Federal permits are required for a particular work or activity, great care must be observed that the Service position is consistent. If it is found impossible to be consistent due to change of circumstances as between separate reviews, the change of position should be reviewed within the Department and clearly explained to the Corps of Engineers. Similar care should be taken with review of environmental impact statements which may be handled at a different time or by a different reviewer than the related permit or license.

D. Federal and Other Dredge and Fill Activities. (1) The Corps itself conducts dredge and fill activities both by contract and with its own equipment largely in relation to its responsibilities for flood control and maintaining navigation channels, harbors, and beaches and other civil and military works. These activities and works are subject to provisions of the FWPCA and MPRSA as well as NEPA and the Coordination Act. Public notices of intention to conduct such work usually are distributed in the same way as notices of permit application and deadlines for response are similarly short.

Dredge and fill work conducted in relation to original construction or major modification of Federal or federally assisted navigation and flood control projects normally is known to the Service long in advance, and reviews of proposals for such work are programmed, budgeted, and scheduled in consonance with the lead agency reporting schedules.

(2) As to dredge and fill activities conducted on non-navigable waters in relation to transmission and pipeline crossings and other riparian installations, the Service may not receive adequate early notice. Belated notice may be received through circulation and review of environmental impact statements prepared under NEPA. Notice on highway and airport projects should be received from the Department of Transportation under provision of Sec. 4(f) of the Department of Transportation Act (App. D-2m) and Sec. 16(c)(4) of the Airport and Airway Development Act (App. D-2t). Notice may also come in certain cases from applications to the Bureau of Land Management or other land management bureaus of the Department, including the Service, or the Forest Service for rights-of-way across Federal lands.

(3) Dredge, fill, and other activities conducted in or so as to affect navigable waters by Federal agencies in relation to their land management and other functions also are subject to provisions of Sec. 10 of the 1899 Act and to those of the Federal Water Pollution Control Act. Thus, for example, the Service's activities in improving tidal marshlands on its coastal refuges require a Corps permit if they involve shallows or wetlands below the ordinary high water line. Similarly, the Service's facilities on navigable waters require a NPDES permit from EPA. The Service, as well as other Interior bureaus and other Federal agen-

cies, must be especially vigilant to avoid real or apparent violations of the law lest their sincerity and dedication to environmental preservation and restoration become suspect.

E. Detection of Violations of the Interstate Land Sales Full Disclosure Act. (1) The Department of Housing and Urban Development (HUD), Office of Interstate Land Sales Registration (OILSR) has requested and the Service has agreed to cooperate through its permit review activities in the detection of violations of the Interstate Land Sales Full Disclosure Act (App. D-2u). Essentially the Service has agreed to provide all practicable cooperation and specifically to provide to the Administrator of OILSR copies of all reports to the Corps on suspected unauthorized activities and of all comments on major permit applications.

(2) Detailed procedural guidelines on this coordination are provided in Instructional Memorandum RB-46 (App. E-23).

1.3 Ecological Services Activities Involved. Sec. 2 of this handbook presents an overview of the objectives and policies of the Service applicable to the activities covered in the handbook. Detailed policy guidelines are presented in Sec. 5 and detailed procedural guidelines are presented in other sections as follows:

Sec. 3, preliminary screening of proposals.

Sec. 4, field investigations.

Sec. 7, reporting, including reviews of environmental impact statements and reporting apparently illegal activities.

Sec. 8, surveillance of illegal work and monitoring of ongoing and completed work.

Sec. 9, education of the public.

Sec. 10, hearings and court testimony.

2. Objectives and Policies.

2.1 Objectives of the Department and Service in relation to dredge and fill and other water-related activities are to protect and preserve fish and wildlife habitat, conserve fish and wildlife and related environmental resources, and protect public trust rights of use and enjoyment in and associated with navigable and other waters of the United States.

A. The Service strives to meet these objectives by encouraging developers to use every possible means, method, and alternative (including non-development) to prevent harmful environmental impacts and degradations, to restore habitat, and increase opportunities for public use through proper development and land use control.

B. The Service also assists, within the limits of its resources, the programs of other agencies, and especially those of other Interior bureaus dedicated to the public interest in man's environment.

C. More specifically the Service, through taking of every appropriate, useful action, has the following long-range objectives or goals:

(1) Respecting navigable waters, their tributaries and related wetlands of the United States:

(a) Stopping and remedying all illegal activities which are damaging or posing

a threat of damage to the naturally functioning aquatic and wetland ecosystems or the dependent human uses and satisfaction, and assisting the actions of other bureaus in protection of environmental resources, values, and uses for which they and the Department of the Interior have responsibilities, including natural, cultural, and general recreational resources, values, and uses, and the water quality aspects of such values and uses.

(b) Assuring that all legal work and other activities of man are truly desirable or necessary to the public health, safety, and welfare not only as an isolated proposal but in the context of cumulative effects of other developments on the waterway and on related waterways; that each is water dependent; that no less ecologically and socially damaging alternative or combination of alternatives exists that is practicable; and that all appropriate means and measures have been adopted with the project to prevent environmental losses and degradations.

(2) Respecting all other waters and wetlands of the Nation not determined to be navigable waters in the context of Federal law, particularly with respect to proposals, activities, and sanctioning actions of the Federal Government and where the concerned resources involve a national interest: long-range objectives or goals identical to those above-stated for navigable waters, insofar as legally possible.

2.2 Policies. A. The Service exercises and encourages all efforts to preserve, restore, and improve the fish, wildlife, and naturally functioning aquatic and wetland ecosystems and assists in the preservation of other environmental resources of the Nation, for the benefit of man.

(1) The Service reviews, investigates, and cooperates fully in providing ecological advice on formulation of Federal and federally permitted, assisted, and sanctioned plans for activities and developments in the Nation's waters and wetlands under provisions of the Fish and Wildlife Coordination Act, App. D-2e.

(2) The Service prepares comments and recommendations on proposals for Federal and federally permitted, assisted, and sanctioned activities and developments in the Nation's waters and wetlands.

(3) The Service provides technical guidance and assistance to government agencies and concerned citizens on environmental aspects of management of waters and wetlands. It encourages development and adoption of comprehensive regional and statewide plans for the management of such waters and lands as anticipated by the Water Resources Planning Act, the Estuary Protection Act, the Coastal Zone Management Act of 1972, as provided by certain State and local zoning actions, and as may be provided by any comprehensive national land-use act.

(4) The Service encourages and provides technical guidance and assistance to local and State programs, symposia,

and other organized efforts designed to further public education and awareness of environmental values and actions to abate threats to waters and wetlands of the Nation.

(5) The Service assists particularly other Bureaus of the Department of the Interior in meeting their special responsibilities for the Nation's environmental values, including cultural and natural values, general recreation values, and water quality, among others.

B. The Service actively discourages activities and developments in or affecting the Nation's waters and wetlands which would individually or cumulatively with other developments on a waterway or group of related waterways unnecessarily destroy, damage, or degrade fish, wildlife, naturally functioning aquatic and wetlands ecosystems, and the dependent human satisfactions. In this, the Service assists other Interior bureaus and seeks their aid in protecting all environmental resources under the purview of the Department of the Interior.

(1) The Service considers the mean higher high or mean high water line (as locally proper) in tidal areas and the ordinary high water line on inland waters to be the proper waterward limit of encroachment on navigable waters for nonwater-dependent works. (Where biologically productive, high-marsh wetlands are involved, a more landward limit may be appropriate.)

(a) For nonwater-dependent works, particularly where biologically productive wetlands are involved and alternative upland sites are available (as may be suggested from field appraisal—see Sec. 4.1A—by a Service biologist), the Service usually recommends denial of a permit unless the public interest requires further consideration. Further consideration may be indicated by an approved land use plan (see Sec. 5.2A (2)) or in the absence of such a master plan, from the determination made by the responsible Federal regulatory agency after carefully weighing all factors relevant to the public interest and reflecting the national concerns for both protection and utilization of important resources (see pars. (f) and (g) (3) of 33 CFR 209.120, App. D-4a(2)).

(b) For water-dependent works, the Service discourages the occupation and destruction of biologically productive wetlands and shallows. The Service usually recommends that the site occupied involve the least loss of area on the least valuable of the alternative sites; that avoidable loss or damage to such productive wetlands and shallows, their fish and wildlife, and their human uses be prevented; and that any damages or losses of such resources, proved unavoidable, be mitigated or compensated.

(2) The Service places special emphasis on vegetated and other productive shallow waters and wetlands and on fish and wildlife species for which the Secretary of the Interior has delegated and specifically mandated responsibilities:

(a) Wetlands as described in *Wetlands of the United States*, Circular 39 of the

U.S. Fish and Wildlife Service, published in 1956, republished in 1971.

(b) Estuarine and Great Lakes areas as defined in the Estuary Protection Act, the Coastal Zone Management Act of 1972, and Sec. 104(n) of the Federal Water Pollution Control Act, App. D-20, D-2v, and D-2s.

(c) Migratory birds, and anadromous and Great Lakes fishes, and endangered species as defined respectively in the Migratory Bird Treaty Act, Anadromous Fish Conservation Act and the Endangered Species Act of 1973, App. D-2b, D-2l, and D-2q.

(3) The Service alerts State wildlife agencies and consults with them on all matters related to their interest and responsibilities in keeping with provisions of the Fish and Wildlife Coordination Act, App. D-2e. In like manner, the Service alerts and consults with the NPS on potential degradations of cultural and natural values, the BOR on recreational aspects, and other agencies, particularly Interior bureaus, on any special environmental or other involvements of the proposed work in their special interest such as BR and GS on water quality and BLM and BIA as well as NPS on involved lands and resources under their jurisdiction.

(4) The Service discourages exclusionary occupation of navigable waters and their shorelines by riparian owners or by anchored boats (see Rec. XVIII of House Report 91-1433, App. D-6) and other cumulatively harmful uses of such waters and shorelines.

(5) The Service requests guarantees that the authorized work is actually carried out as promised and as required by conditions of the permit, provisions of law, or agreements formalized in writing. In appropriate cases, a performance bond may be requested of a private permittee as a condition of the permit. With a Federal project the Service will strive to have important fish and wildlife provisions specifically mentioned in the authorizing act.

(6) The Service conducts and urges surveillance of unauthorized activities and developments in navigable waters; identifies and investigates illegal dredging, filling, other work and installations in such waters; reports the illegal work to the Corps or Coast Guard; and otherwise supports Federal actions against violators of Federal law in cooperation with the Solicitor and U.S. Attorneys.

(7) The Service assists and promotes surveillance of navigable waters for unauthorized discharges of harmful pollutants, escape of harmful pollutants from non-point, fixed and deposited sources on upland, spills of oil and hazardous substances, dumping of materials in ocean waters and other water pollution sources endangering fish and wildlife or their uses in cooperation with the EPA, Corps, and Coast Guard; reports water pollution situations harmful to environmental and human-use values to the responsible regulatory agency; and otherwise assists and supports Federal actions against violators of the Federal Water Pollution Control Act and the Marine

Protection, Research, and Sanctuaries Act of 1972.

Authorities and references supporting the foregoing Objectives and Policies are included in App. D, E, F, and G.

3. Preliminary Screening of Proposals.

3.1 General Outline of Screening Procedure. A. Upon receipt of notice of permit application or initiation of a study, the proposed work project or activity is first logged and scheduled for investigations and reporting if appropriate. (The logging form presented in App. B-1 is to be used by all offices.)

It is absolutely essential to maintain complete, up-to-date records to assure timely actions and afford an accurate basis for summarizing accomplishments. A flow chart showing action sequence in review of permit applications is given in App. B-4a.

B. All public notices of applications for permits received from the Corps, EPA, or Coast Guard are then screened to exclude from further consideration those where the proposal obviously will have no impact or at most an inconsequential impact on fish and wildlife resources. Such "no-interest" notices are to be appropriately marked to show determination, initiated by the reviewer, its log entry completed, and the notice filed. A response usually is advisable on such notices (see below).

(1) On the basis of notice received, the Ecological Services biologist screens each proposal in his office preliminary to further action so as to determine:

(a) The adequacy of the information supplied and available for proper review.

(b) The apparent environmental significance—what resources would be affected and how seriously? Is the impact of the proposal significant in view of its anticipated direct and secondary effects and in light of existing or potential cumulative effects of similar or other developments affecting the same resources?

(c) The apparent social significance—who would benefit and in what way?

(d) The degree of water dependency.

(e) The apparent need for the work in terms of public health, safety, and welfare.

(f) Whether an environmental statement has been prepared and whether one is necessary or advisable.

(g) The desirability of and apparent opportunities for modifying the design, construction methods, and operating procedures of the proposal and/or selecting an alternative site to minimize environmental damages or restore and improve environmental and social values.

(2) It is the Service position that it is proper to assess the total impact of the total development, including any part to be located on uplands and any secondary effects. The totality of existing and projected cumulative impact of all developments affecting a waterway or group of related waterways and the dependent resources thereof also must be considered.

(3) With Federal proposals for study or work, both new and maintenance, there normally is water dependency and a pre-

sumption of Service interest. Excepting periodic maintenance work, the Service activity normally will have been scheduled and budgeted in program documents.

(4) There may appear to be no necessity to respond to notices having no Service interest, but it is usually desirable for a number of reasons to record the lack of interest particularly if response is requested by the lead or regulatory agency. (See App. A-1 for suggested form letters for no action cases.)

(5) It is essential to respond within the set time especially where there is Service interest even if the response is only a request for more time. Such timely response will assure that the Corps, EPA, Coast Guard or planning agency will not have cause to act prior to receipt of the Service report.

C. If the applicant has failed to supply needed information this fact is promptly conveyed to the regulatory agency together with a request that the permit application be held in abeyance until the information (including an EIS if found necessary) has been received or otherwise obtained by the Service and adequate opportunity has been afforded for review, consultation, and presentation of recommendations. (See suggested form letter in App. A-2 and information required of applicants by Corps regulation in par. (h) of 33 CFR 209.120, App. D-4a(2).)

(1) The Service makes every effort to assist applicants and other project sponsors in a timely manner in formulating environmentally acceptable plans and resolving related problems, but it cannot cooperate or act in the absence of needed information nor without adequate time. The Service will request extensions of time as required to effect a proper investigation and to consummate necessary coordination and negotiations. (See App. A-3 for suggested form letter.)

(2) Where biologically productive wetlands or other ecologically important resources and values are involved, it is the Service position that the burden of proof is on the applicant to demonstrate that his proposal is environmentally sound and in the public interest (see pars. (g) (3) (iv) and (h) (3) of 33 CFR 209.120, App. D-4a(2)). Consequently, any delay occasioned by the Service's request for necessary information may derive from the applicant's failure to properly prepare his proposal for consideration of its acceptability. (See the reverse side of the information request form, App. A-2, and information checklist, App. B-3.)

3.2 *Suggested Aids to Screening.* It is of great assistance to expeditious screening of applications for permits in navigable waters, as well as to reporting on them, to prepare and maintain in each field office habitat type maps, with related notes and data descriptive of each type, for all waters and wetlands under the purview of that office. The maps should be of sufficient scale and detail to permit ready and certain decisions as to the likelihood of damage and the kinds of habitat and associated species

expected to be affected based on the information on, and keyed to, the map.

Useful source books and maps should be kept at hand organized for ready reference. Good general sources include:

A. *The National Atlas* (U.S.G.S. 1970) provides physical data on coastal areas of the United States, pp. 78-84, which although gross for our purposes provide useful checks on landforms, shoreline characteristics, bottom sediments, surface currents, tidal types and ranges, surface sea temperatures and salinities, and wave heights. Similarly, publications on national and local distribution of plants and animals frequently include maps showing general distribution by species that can serve as gross checks. (See Sec. 9.2D for additional sources.)

B. Many States are now collecting detailed data on their wetlands and most of them have habitat type data published, in their files, or in the knowledge of their field personnel and research people. These and other data should be collated and entered on the field office's habitat type maps. Intensive studies on especially critical areas can often be conducted in cooperation with State and university personnel. The latter may be encouraged to involve students in special cases to add to the data base.

4. *Field Investigations.*

The depth and detail of field investigations varies considerably, mainly in relation to the apparent severity of the anticipated environmental impact and the available Service resources, but also with whether the proposal is Federal or non-Federal.

Normally appropriate studies are programmed, budgeted, and scheduled in advance for Federal proposals while field studies for non-Federal proposals must be done on an ad hoc basis.

Service personnel will at all times act and promote actions by others to achieve an orderly processing of Federal permit applications and planning of federally assisted and Federal projects.

4.1 *Non-Federal Proposals—Permit Applications.* The Service position of the burden of proof being on the applicant to demonstrate the environmental soundness and public interest merit of his proposal implies that the applicant must arrange for any needed detailed field investigations. (See pars. (h) (2) and (h) (3), particularly par. (h) (2) (vi), of 33 CFR 209.120, App. D-4a(2).) This position certainly must be maintained with respect to planning, design and monitoring studies, but certain investigations must nevertheless be conducted by the Service and others in support of the environmental interests.

A. A reconnaissance of the project area must be made by the responsible Service biologist to provide a first-hand viewpoint and appreciation of the site values and potentials. A field surveillance and appraisal report form (App. B-2) will be completed at the time of the reconnaissance investigation for each permit application which proves to have Service interest to assure that all significant factors are considered. The form

should be reviewed prior to taking to the field and partly filled in with the required information that is only obtainable from the permit application and other off-site sources. This completed form is made a part of the permit file.

(1) The field investigator will accomplish the following items of work on-site:

(a) Assess the relative environmental significance of the selected site in contrast to apparent alternative sites.

(b) Assess any possibilities for modifying the proposal to lessen environmental impacts (see Sec. 5 for review guidelines).

(c) Obtain information from knowledgeable local persons on species distribution and diversity, resource uses and values, and public interest relative to private interest.

(d) Determine if work has been started and, if so, its apparent legality.

(e) Document the on-site observations through map notations, photographs, records of interviews, sampling data, physical measurements, and completion of the standard field surveillance and appraisal report form (App. B-2).

(f) Note any potential involvements of other Interior bureaus particularly NPS (cultural and natural values), BOR (wild and scenic rivers, scenic values, general recreation values), BIA and BLM (lands and resources), and BR and GS (water and water quality) and later alert and consult with these agencies.

(2) The appraisal form is designed as both a checklist and a record of the on-site investigation; it must be completed in the field in appropriate part to avoid errors of recall.

(a) Although the field appraisal form may appear to be tedious in detail, the worth of the conscientiously completed form is invaluable to preparation of Service comments and recommendations and to any negotiations that may ensue. Therefore, it is essential that the form be completed as fully as possible in every case selected for field investigation and substantive comment.

(b) Since the details required to be completed are a function of the environmental significance of the proposal, relatively less consequential proposals will involve completion of fewer details of the form.

(c) If convenient, the Ecological Services biologist may find it efficient to arrange a joint reconnaissance of the project site with the applicant and representatives of appropriate State agencies, NMFS, EPA, the Corps, or others.

B. *Need for Detailed Field Studies.* (1) Where the reconnaissance appraisal indicates that highly productive habitat would be degraded or lost if the proposal were carried out as planned, it may be necessary for the Service to conduct or arrange for more detailed studies to support its position and to:

(a) Affirm conclusions of species diversity and resource value.

(b) Provide a firmer basis for negotiation with the applicant on project modifications.

(c) Justify recommendations of permit conditions or denial of permit.

(d) Provide data required for administrative or judicial review.

(2) It is the Service position that there exists a national recognition that wetland and shallow water habitats have such high ecological and social values as to admit of their destruction or degradation only where there is no question that the public interest demands it.¹

(3) Widespread national recognition is very helpful to the necessarily expedited review of permit applications since it is not reasonably possible for the Service to conduct field studies sufficient to provide unequivocal ecological answers. A useful discussion of study limitations and values as well as methods is included in App. G-1, taken from a publication of the Atomic Energy Commission.

(4) In view of the national recognition of wetlands values and the inherent limitations of time and resources, the Service will not normally attempt to prove its case in relation to permit applications by assembling detailed, on-site ecological or use data. On-site reconnaissance, as discussed above, will nevertheless be detailed enough to generally and accurately define the resource conditions and values. Proof normally will be supported by reference to indepth studies such as those of ecologist, Dr. Eugene Odum and others (App. G-4 and G-5), the logic of universal dependence of marine and estuarine ecosystems and related resource values on shallows and wetlands, and the great body of long-standing law recognizing the public trust rights in the lands involved (App. D-1b and D-3b).

(5) Permit applications involving steam-electric, steel, paper, petroleum, chemical, and other industrial plants having thermal and other pollutant effects on natural water often require pre- and post-project studies, monitoring of environmental changes, and mathematical and hydraulic model studies. The predictive studies should be conducted on-site where possible, and control studies for the monitoring should be conducted at the site pre-project and at an appropriate nearby site post-project.

Certain dredge and fill projects and many Federal navigation, hurricane protection, and beach erosion-control projects also should be subjected to model and monitoring studies to predict and measure environmental impacts—all with a view to improving designs in the interest of the environment.

(6) Detailed studies are generally the responsibility of the project sponsor. The Service has neither the fiscal and man-

power resources nor the responsibility to conduct model, monitoring or other detailed studies, but it does have the responsibility to insist not only that they be conducted but that they be done in a scientific, objective manner.

Nevertheless, detailed field investigations by the Service are required in support of testimony in judicial and quasi-judicial hearings and occasionally for other purposes, as outlined above. Guidelines for such detailed investigations are outlined in Sec. 10.2 of this handbook.

4.2 *Federal Surveys and Project Proposals—A. Programmed Work.* (1) The Service has the responsibility under the Fish and Wildlife Coordination Act, the Anadromous Fish Conservation Act, the Estuary Protection Act, the Fish and Wildlife Act of 1956, the Watershed Protection and Flood Prevention Act, and other authorities to conduct field investigations related to Federal and federally assisted water development surveys and project studies. These investigations are normally programmed, budgeted, and scheduled in harmony with the schedule of the lead Federal agency.

(2) The investigations conducted by the Service in relation to studies of Federal agencies are generally of greater depth and detail than those described above for non-Federal proposals. They should be of comparable detail to those conducted by the lead agency. Principles and guidelines for these investigations are presented in the Division Manual, Secs. 2.300 through 2.999.

B. *Maintenance and Emergency Work.* Certain types of Federal work such as the maintenance dredging of navigation channels conducted by the Corps and emergency flood disaster activities in streams conducted by the Corps, Bureau of Reclamation, and the Soil Conservation Service must be investigated and reported upon on an ad hoc basis and in a manner similar to that described above for non-Federal proposals, except that responsibility for needed fish and wildlife studies largely devolves on the Service and the State fish and game agency. Consequently, the Ecological Services field supervisor must maintain liaison with the Federal and State agencies and their personnel responsible for these kinds of activities to assure himself that proper notice is afforded and opportunity provided to make field investigations and timely recommendations.

4.3 *Investigations of Unauthorized Work and Activities.* A. Service personnel must maintain continuous surveillance of navigable waters of their area of responsibility to detect any unauthorized work in a timely manner (see also Secs. 5.2B, 6.3, 7.3 and 8 and App. B-4b and B-5).

(1) Offices of the Division should make necessary arrangements to serve as clearinghouses for alerts from Service personnel and cooperating State personnel who detect unauthorized work and Division personnel must investigate and report on each such alert.

(2) Service personnel should arrange for all possible assistance from and cooperation with State personnel as well

as others with like interests to increase their effectiveness.

(3) Service personnel should cooperate fully with the Corps, Coast Guard, and the EPA in such surveillance and with the Department of Justice in any subsequent enforcement actions.

B. Field surveillance investigations of an apparently unauthorized work or activity must be circumspect on site and confined to making as complete an assessment of the facts as possible. In no event should the investigating biologist voice any allegations of illegality, accuse a person of improper action, or take any other direct action to stop or alter the observed ongoing activity.

C. A field surveillance and appraisal report form (App. B-2) is completed on site as fully as possible keeping in mind the items outlined in Sec. 4.1A, above. Particular attention must be given to obtaining full coverage of the activity site and area of influence with good photographs and to obtaining other evidence (water and biological samples) demonstrating the kind, location, and effects of the observed activity. If possible, the investigating biologist should use a camera providing positive prints directly upon exposure (Polaroid) or take care that the photographic as well as other evidence submitted to other persons for processing is properly certified by use of a "transfer of evidence" form (see note on the back of the first page of App. B-2 form).

D. Following discovery and appraisal of an apparently illegal activity, the regulatory agency will be immediately contacted to determine if the work is being done lawfully. If it is not, the Regional Director will promptly request the regulatory agency to issue a cease and desist order. A flow chart of surveillance actions is given in App. B-4b, and related guidelines are presented in Secs. 5.2B, 6.3, 7.3, and 8.

5. *Policy Guidelines for Review of Proposals.*

5.1 *Basis.* A. In discussing a proposal with its sponsor and in developing written comments and recommendations to assure that the proposal can be implemented without significant damages to fish, wildlife, and related environmental resources under purview of the Service and the Department (being alert for potential adverse environmental effects in the province of other Interior bureaus so as to coordinate and exploit mutual concerns), Service personnel will observe the policy guidelines set out in this handbook. (Apps. D, E, and F provide legal references and official policy statements relevant to these guidelines.)

B. To account for local or regional peculiarities of geography, resources, and social, political, institutional and economic constraints, special adaptations and modifications of these guidelines may be proposed for approval and may be subsequently adopted. Also, more detailed guidelines covering particular situations may be proposed in the future and adopted as required, such as for mineral exploration and development, powerplants, high marsh areas, etc.

¹ As evidenced in Federal law, App. D-2f, 0, and v; in Federal regulations, see par. (g) (3) of 33 CFR 209.120, App. D-4a(2); by the President's Environmental Message of February 8, 1972, App. D-4a; and otherwise in executive policy, particularly EPA's wetlands policy, App. F-2a, b, and c; as well as in wetlands laws of many States. See also App. G, especially G-4 and G-5, for the scientific basis of this recognition.

C. The Service's policy and procedural guidelines expressed in this handbook are intended to be compatible and reasonably consistent with relevant provisions of law, decisions of the courts, and rules, regulations, and administrative practices of Federal regulatory agencies. But the Service does not have the responsibility, as do the regulatory agencies, of making the final determination of the overall acceptability of a proposal, all factors considered. These guidelines are not intended nor should they be interpreted to be addressed to such final decision. They are intended to reflect the Service responsibility to contend for the special public interests in fish and wildlife, their related habitats and ecosystems, and the human uses and environmental values dependent on such resources.

D. Service personnel must critically note that each guideline is qualified to admit of reasoned interpretation on the merits of a particular proposal in its particular ecosystem setting and must be so interpreted in each case. Blanket, absolute opposition to any specific type of development or site situation must not be construed from the language of any policy or guideline of this handbook. Each proposal must be weighed on its individual merits not only in the light of the main thrust of applicable guidelines but in light of the qualifications of these guidelines, the specific biological and environmental conditions of the proposal site, and the particular expected environmental impacts of the proposal.

5.2 General Policy Guidelines—A. New Work Proposals. (1) Encroachments waterward of the mean higher high or mean high tide line, as locally proper, or other ordinary high water line will be discouraged where such encroachments would significantly damage biologically productive shallows and wetlands or unreasonably infringe on public rights of access, use, and enjoyment.

(2) Sites and design will be encouraged to be in compliance with any applicable comprehensive regional or statewide plan for land use and/or shoreline development which properly balances public needs and properly accommodates site and upland drainage, waste discharges, an erosion forces (as indicated by plans developed by the State under the Coastal Zone Management Act of 1972 and approved by the Secretary of Commerce or by any plans that may be approved by the Secretary of the Interior under any national land use act that may be enacted).

(3) A proposal which in combination with other developments would, due to cumulative effects, unreasonably degrade environmental resources and diminish the human satisfactions dependent on such resources on a waterway or group of related waterways will not be acceptable to the Service and will be strongly discouraged.

(4) Nonwater-dependent structures, facilities, or activities generally will be considered by the Service to be unacceptable uses of public waters unless it

has been demonstrated that the proposed use is required in the public interest (see Sec. 2.2B(1)) and no alternative site mutually acceptable to the Service and the applicant is available.

Although in many cases a restaurant, motel, trailer park, golf course, or other service facility may be more attractive to its customers if it has water frontage, this attraction does not necessarily require encroachment beyond high water lines. A set-back location that preserves public access to the water usually can provide as good or better water view, assure greater safety from storm hazards, and otherwise accord more fully with both the private and public interest.

(5) Proposals to fill ecologically valuable wetlands or site sewage lagoons or other treatment works on them will be discouraged, and where no feasible upland site for such works is available, the Service will urge adoption of tertiary treatment processes which do not require lagoons or other extensive works with consequent destruction of wetlands (see EPA's wetlands policy, App. F-2a, b, and c).

(6) The Service will object to or request denial of Federal permit for any proposed project not properly designed or located to avoid preventable significant damages to fish, wildlife, and/or other environmental values.

B. Unauthorized Work and Activity in Navigable Waters and Applications for After-the-Fact Permits Therefor. Unauthorized excavation, fill, structure, facility, building, or ongoing activity in or affecting navigable waters will be considered to be in violation of the law as prescribed in the River and Harbor Act of 1899, App. D-2a; the Federal Water Pollution Control Act (Sec. 301), App. D-2s; and the Marine Protection, Research, and Sanctuaries Act (Sec. 101), App. D-2x. See also Secs. 4.3, 6.3, 7.3, and 8 of this handbook for other aspects of unauthorized work.

(1) Where necessary to achieve removal of unauthorized harmful works and/or obtain other appropriate remedy, the Service will request the responsible Federal regulatory agency to institute enforcement action, including judicial procedures through the Justice Department if required.

(2) The Service may, where immediate action is warranted to avert great loss of fish and wildlife or their habitat, request the Solicitor, Department of the Interior, to take any appropriate steps to speed legal action.

(3) Where after-the-fact application is made for existing work which resulted in significant environmental damage, the Service will confer with the responsible Federal regulatory agency to assist it in determining the need and the possibilities for restoration and compensation of damages to fish and wildlife, their habitat, and related human use values.

(4) If legal action is not taken or is taken and fails adequately to remedy the damage, the Service will continue to aid negotiations with the applicant, seek appropriate conditioning of any permit, and

take such other remedial measures as are available.

(5) Where satisfactory means and measures for restoration and compensation have been imposed upon or negotiated with the applicant, Service personnel will urge that the permit include conditions to assure their implementation.

(6) The Service may ask that the applicant be required to furnish a performance bond when there appears to be substantial risk of non-performance.

(7) In case of judicial action, Service personnel must expect to testify with appropriate Departmental clearances required and to have developed substantial evidence in support of the environmental aspects of the case. In such event, expert opinion is only a feeble substitute for firsthand testimony based on in-depth investigation (see Sec. 10).

C. Proposals Determined to be Acceptable. (1) The Service will urge that the applicant be required to provide assurances, through acceptance of permit conditions, that the works will be built and operated in such a way as to minimize the impact on fish and wildlife and the detriments to the public interest in the lands and waters affected.

(2) In cases where compensational measures are developed with the applicant to protect the resources, the natural functioning ecosystem, and other environmental values, Service personnel may recommend that a performance bond be required of the applicant to guarantee implementation of the compensational measures.

(3) Assurances for Federal projects will be obtained by the Service through clear and specific inclusion of means and measures in project authorizing documents and diligent follow-up during construction and operation.

5.3 Detailed Policy Guidelines. Service personnel will observe additional detailed guidelines in screening and reviewing permit applications and Federal proposals as indicated below for particular types of projects (Note that where excavation of fill or deposition of spoil are involved in a proposal, the guidelines of items I or J are applicable in addition to the guidelines listed for the specific main proposed works or activity):

A. Docks, Moorages, Piers, and Platform Structures. (1) In crowded areas, individual single-purpose docks will be discouraged, and multiple-use facilities common to several property interests which provide common pollution control works and minimize occupation of public waters will be actively encouraged.

(2) Joint-use moorage facilities will be encouraged for subdivisions, motels, and multiple dwellings in preference to individual moorage.

(3) The size of docks and piers and their extension beyond the normal high water line will be recommended to be restricted to that required for the intended use.

(4) Anchor buoys will be encouraged in preference to docks.

(5) Piers or catwalks will be encouraged in preference to fills to provide needed access to navigable water.

(6) Dry storage on upland will be encouraged for small boats in preference to water moorage in crowded areas.

(7) Removal of docks, piers, or platform structures in existence without a Federal permit will be recommended where practicable and especially where the particular structure is found to interfere with or preclude preservation, management, or utilization of fish and wildlife resources and other environmental values.

(8) Removal will also be recommended of all piers and similar structures receiving little use, in a state of disrepair, and/or serving no demonstrated public purpose.

(9) Overwater location of apartments, shops, restaurants, and other nonwater-dependent facilities on pile structures or fills will generally be viewed by the Service as destructive intrusions upon the aquatic environment. Denial of a permit for a structure intended solely for such uses will be recommended unless it is clearly shown that the particular structure is required in the public interest (see Sec. 2.2B(1)(a) and Sec. 5.2A) and no alternative site mutually acceptable to the Service and the applicant is available.

(10) Permits for docks, piers, and other overwater structures will be recommended to be conditioned to require removal once the structure no longer serves the purpose for which it was originally permitted.

(11) Houseboat anchorage and moorage in public waters outside of publicly established harbor areas for more than 30 days will be discouraged.

(12) Service review of applications for the repair or replacement of previously permitted docks, piers, and moorages will be expedited.

B. Marinas and Port Facilities. (1) Designs that minimize disruption of currents, restriction of the tidal prism, excavation in shallow water, removal of barrier beaches, filling of wetlands, and filling of shallows beyond the normal high water line; that do not occupy waters with poor flushing characteristics; and that preserve environmental values in general will be strongly encouraged.

(2) Facilities for the proper handling of boat and site-generated sewage, litter, other wastes and refuse, petroleum products, and precipitation runoff will be insisted upon with marina and port proposals.

(3) Regional and statewide planning for balanced land use and specifically to locate suitable spoil disposal sites, reduce unneeded dredging, and properly locate any new or expanded port, other necessary navigation and other water-dependent facilities will be encouraged. Shipping and support facilities including marine railways and launching ramps will be encouraged to make full utilization of developed areas to forestall dis-

turbing new areas of high environmental value.

C. Bulkheads and Seawalls. (1) Bulkheads and seawalls generally will be acceptable in areas having unstable shorelines, but their construction will be discouraged where extensive marsh, mangrove, or other naturally protective and productive ecosystems would be disturbed. In the latter situations, any necessary bulkhead should be placed landward of the ordinary high water line and not reflect wave energy so as to destroy productive marine bottoms. In rapidly eroding situations where natural, protective vegetation or other controls are inadequate, bulkheads placed channelward of the ordinary high water line may be acceptable if properly designed to mitigate but not aggravate natural forces and processes.

(2) In extensively developed areas, bulkheads will be acceptable that esthetically and/or ecologically enhance the aquatic environment. Rip-rap and/or designs utilizing natural vegetation will be encouraged in lieu of bulkheads of wood, concrete, or metal.

(3) On barrier and sand islands and sand beaches, bulkheads which would affect the littoral drift and natural deposition of sand materials will not be acceptable.

D. Cables, Pipeline, Transmission Lines, Bridges and Causeways. (1) The Service will encourage the establishment of transportation-utility access corridors crossing navigable and other waters and wetlands at sites that localize and minimize environmental impact by limiting the encroachments to least valuable and productive areas.

(2) To be acceptable, aerial or submerged cables, pipelines, and transmission lines must be located and designed for maximum compatibility with the environment. In assessing environmental compatibility, Service personnel will give particular emphasis to the provisions made to protect water quality, fish and wildlife resources (notably, interference with migration routes) and to prevent interference with fishing and other public uses. Where unique natural areas, cultural sites, or significant impacts on scenic beauty or public access appear to be involved, Service personnel will alert and cooperate with concerned Interior bureaus and other agencies.

(3) Alteration of the natural water flow circulation patterns or salinity regimes through improper design or alignment will be discouraged.

(4) Enhancement of public access by the installation of fishermen catwalks, boat launching ramps, or other structural features will be encouraged.

(5) Bridge approaches required to be located in wetland areas will be recommended to be placed on pilings rather than constructed as solid fill causeways.

E. Jetties, Groins, and Breakwaters. Jetties, groins, and breakwaters that do not interfere with or, preferably, that enhance public access, and do not create adverse sand transportation patterns or unduly disturb the aquatic ecosystem will be acceptable. Service personnel will

place particular emphasis on preventing project-related erosion and other harmful impacts caused by the installation—such as destruction of sand dunes and beaches and filling of shallows and tidal wetlands due to changes in littoral currents and drift—as well as on protecting fish and wildlife resources and uses.

F. Lagoons and Impoundment. Lagoon or impoundments for waste treatment, cooling, or aquaculture which would occupy or damage significant wetlands or other ecologically productive areas below normal high water will be unacceptable to the Service and denial of permit normally will be recommended. (A NPDES permit is required to discharge from these; see EPA's wetlands policy, App. F-2 a, b, and c.)

G. Navigation Channels and Access Canals. (1) Construction or extension of canals primarily to obtain fill material will be discouraged or opposed as appropriate.

(2) Designs and alignments should adequately serve the needs of commercial and sport fisheries and other water recreation as well as other demonstrated public needs.

(3) Designs should not create pockets, interior channels, or other hydraulic conditions which would cause stagnant water problems.

(4) Designs should not create or aggravate shoreline erosion problems or interfere with natural processes of beach nourishment.

(5) Channel alignments and spoil sites should avoid shellfish grounds, eelgrass beds, beds of other productive aquatic vegetation, coral reefs, fish spawning and nursery areas, fish and wildlife feeding areas, and other shallow water and wetland areas of value to fish and wildlife resources and uses.

(6) Alignments should make maximum use of natural or existing deep water channels.

(7) Designs should include temporary dams or plugs in the seaward ends of canals or waterways and competent confining dikes around spoiling sites to serve until excavation has been completed and all sediment has settled out.

(8) Designs should not alter tidal circulation patterns adversely, create change in salinity regimes, or change related nutrient and aquatic life distribution patterns.

(9) Construction should be conducted in a manner that minimizes turbidity and dispersal of dredged material into productive areas and on schedules that minimize interference with fish and wildlife migrations, spawning, nesting, or human uses.

(10) In addition, the Service will recommend that the applicant or permittee be required to supply the Service with a schedule of the dredging anticipated during the life of the permit (frequency, duration, type of dredge, amounts of material, etc.) and where appropriate give a two-week notification prior to the commencement of work at each location or phase of construction. Recommendation also will be made to require Service notification when work is completed.

Similar advice and notice will be requested for previously coordinated Federal projects.

H. Drainage Canals and Ditches. Construction of canals and ditches that would drain or facilitate drainage of any of the wetland types identified in the Fish and Wildlife Service's Circular 39, *Wetlands of the United States*, will be discouraged, and denial of permit usually will be recommended by the Service. Channels draining such wetlands will be acceptable to the Service only where the following situation has been conclusively demonstrated: Insect vector control or some other public health, safety, or welfare measure is required as a public necessity and drainage would be the least damaging or only practicable means of accomplishment. But in these instances, the quantity and quality of any discharged waters should be controlled as required by the FWPCA and so as not to adversely affect the aquatic ecosystem unduly (a NPDES permit covering such discharges may be required).

(1) **Excavation of Fill Material.** (1) Excavation and dredging in shallow waters and wetlands will be discouraged and any permits issued or Federal work approved will be recommended to be conditioned to prohibit activities in fish and wildlife nursery areas and during periods of migration, spawning, and nesting activity.

(2) Excavation of fill materials from productive submerged or intertidal wetland areas or from wetland types identified in Circular 39 (see Sec. 2.2B(2)) is unacceptable and denial of permit for such work will be recommended by the Service.

(3) Uncontrolled stockpiling of dredged material in shallow water or on wetlands to achieve full bucket loads will not be acceptable. Unloading barges should be employed wherever possible to avoid such stockpiling of materials. Where stockpiling is required, the use of competently diked upland areas usually will be recommended.

(4) Excavations should not create stagnant sumps or cul de sacs that trap and kill aquatic life.

(5) Dredging operations should be conducted so as to prevent petroleum spill, deposit or refuse, and avoidable dispersal of silt or other fines or other discharges of harmful materials (a NPDES permit may be required).

J. Filling and Deposition of Spoil and Refuse Materials. (1) Filling in public waters waterward of the ordinary high water line generally will be discouraged and will be strongly objected to where the proposed development is nonwater dependent or would not serve a demonstrated public need.

(2) Filling of biologically productive shallow waters and wetlands will not be acceptable and permits for filling such areas will be recommended to be denied unless the purpose to be served is of overriding necessity and benefit to public health, safety, or welfare.

(3) Spoil confinement works should be properly designed, constructed, and

maintained to avoid discharge of fines, other particulates, or harmful material to natural waters and be located on dry upland. The location of outlets and other means of control of the effluent from the spoil retention area should yield water quality that will preserve the aquatic ecosystem (a NPDES permit may be required).

(4) Toxic, oxidizable organic, and other highly harmful materials must be disposed on dry upland areas behind impervious dikes or by other safe and environmentally protective means.

(5) Dikes should be vegetated immediately to prevent erosion.

(6) In-bay, open-water, and deep-water disposal generally will be considered acceptable by the Service only after all upland and other alternative disposal sites have been explored and rejected for good cause. Deep-water disposal will be acceptable only at sites designated under State or Federal regulations or at sites specifically selected, including those selected for deposit of clean material for habitat improvement, where agreed upon by all concerned agencies.

(7) Sediment and/or effluent analysis will be recommended to be required in cases where there is suspected contamination by heavy metals or other toxicants. In cases where contaminant levels are high, the Service will either urge disposal on fully confined impervious upland sites or by other safe and approved means, or recommend denial of permit application.

(8) Turbidity and dispersal of dredged material will be recommended to be controlled in relation to open water dredging and disposal by means of fine-meshed curtains or other effective means.

(9) The foregoing guidelines on spoil deposition are also particularly applicable to Federal channel excavation and maintenance.

K. Mineral Exploration and Development, Territorial Waters. (1) To be acceptable, blanket permits issued for mineral exploration and development (including oil, gravel, sand, fossil shell, phosphates, sulfur, salt, placer metals, etc.) must be limited to the shortest time period essential to the work proposed and should provide by explicit conditions of the permits for such of the following as will minimize environmental degradation: Areal exclusions; special exploration and development procedures (e.g. slant drilling); use of special equipment (e.g. use of shallow draft barges and low-impact swamp vehicles on wetlands); and limitations on dredging, filling, and spoiling (i.e. use of existing channels wherever possible rather than new ones, avoidance of productive wetlands and shallows for filling and spoiling, etc.).

(2) To be acceptable, proposed activities and works must be described as fully as possible in the original permit application, and to the extent that these cannot be described for the entire extent of the work and period of the permit, the undescribed extension and modifications when known and proposed must be subject to provision of adequate notice and

opportunity for on-site assessment of potential environmental impact by the Service or its designee, and the permit must be further conditioned as may be required to protect environmental resources on the basis of such recommendations as the Service may make.

(3) To be acceptable, proposals must meet the applicable general and detailed guidelines set out hereinabove for other particular activities and works involved in the proposed mineral exploration and development.

(4) To be acceptable, proposals must make adequate provisions to keep environmental degradation to the minimum, particularly that from spillage of oil; release of refuse including polluting substances and solid wastes; spoiling on productive wetlands; dredging of productive shallows; and alteration of current patterns, tidal exchanges, freshwater outflow, erosion and sedimentation.

L. Mineral and Other Developments, Including Rights of Way, On Public Lands. (1) As discussed more fully in Section 1, Interior bureaus and other other Federal land management agencies are involved variously in leasing lands and granting permits for rights of way, mineral exploration and development, hydroelectric power development, and other activities on public lands of the United States. To the extent that these activities would involve identifiable effects on navigable waters they also require a permit from the Corps or Coast Guard under the 1899 Act and in certain cases a NPDES permit from EPA or the State.

(2) These guidelines do not cover procedures for the intra-Interior review of outer continental shelf and other public lands, mineral leases, and permits nor rights-of-way permits, but it is expected that Service personnel will apply any of the pertinent policy guidelines of this handbook as are appropriate.

(3) Corps, Coast Guard, and EPA permit applications covering such activities should be reviewed in the field for potential site-specific impacts as with any other permit, keeping in mind, however, that general protective conditions are included in the Interior permits situations and contingencies and that known highly damagable areas have been excluded from the lease offers and use permits for lands of the Territories.

(4) If a particular case appears to the reviewing biologist to involve substantial impacts of a nature not certainly covered by conditions of the Interior permit, he should initiate action to so notify the district or regional office of the concerned regulatory agency and the responsible office of the concerned Interior bureau or for the Territory. If the responsible local Interior office cannot satisfy the Service concern, the matter should be referred to the Central Office for resolution and the district or regional office of the regulatory agency should be so apprised.

M. Log Handling, Moorage, and Storage. (1) Log handling, moorage, and storage sites proposed to be located on salmon-spawning and other fish produc-

tive streams, shellfish grounds, or shallow water and wetland areas of value to fish and wildlife resources and uses will not be acceptable to the Service.

(2) Log handling, moorage, and storage in public waters will be discouraged, particularly where such activities would obstruct or impede public access, fishing, hunting, and other legitimate public uses of the water body; degrade and destroy fish and wildlife resources; or otherwise degrade environmental values.

(3) Environmentally sound practices of log handling will be encouraged through recommendations for conditioning of any required Federal permit or contract and otherwise, as follows:

(a) Use of positive controls over bark, other debris, and leachates, including proper confinement, collection and disposal of all floatable, soluble, and settleable refuse. Rapidly flowing water, steep shores or other sites must be avoided for log dumping where positive controls cannot be effected.

(b) Use of easy let-down devices for placing logs in water to avoid safety and environmental hazards of violent free-fall dumping.

(c) Limiting the quantity of logs and the duration of their moorage and storage in public waters to the minimums required for efficiency.

(d) Use of upland sites for bundling of logs and disassembling the bundles.

N. Steam Electric Powerplants and Other Facilities Using Navigable Waters for Cooling. Although these facilities will be treated in detail in a separate Steam Electric Powerplant and Cooling Facilities Handbook, broad, general guidelines are included here:

(1) As a general rule, once-through cooling systems will be discouraged and closed-cycle cooling will be encouraged where the facility is proposed to be sited on or so as to affect biologically productive navigable waters. In particular, any facility will be strongly discouraged which would significantly change the environment and values of an estuarine area or other biologically productive navigable water by withdrawal and discharge of large volumes of water—thereby depleting aquatic life by entrainment and impingement; altering the natural or existing regime of salinity, temperature, and dissolved oxygen and the patterns of water currents, tidal exchange, volume, tidal excursion, and freshwater flow; disturbing the populations, dynamics, and distribution of aquatic life; scouring productive water bottoms or otherwise endangering the viability and productivity of the ecosystem; and lessening the human satisfactions dependent thereon.

(2) A facility to divert water from and release heated water to navigable waters where proposed to be sited so as to affect harmfully salmonid spawning, rearing, or migration waters or any water or wetland supporting highly sensitive and/or highly valued species of fish or wildlife will not be acceptable to the Service unless such facility is fitted with a closed-cycle cooling system and otherwise incorporates protective features that in-

sure against any significant harm to such species at all times and under all foreseeable conditions.

(3) To be acceptable any facility incorporating once-through cooling involving navigable waters must:

(a) be sited where wetland destruction, other habitat damage, interference with fish and wildlife and their uses, and overall environmental harm will be at the minimum compared to other possible sites in the region;

(b) involve a plan layout based on preoperational baseline studies defining current, temperature, salinity, tidal, migratory fish or wildlife, and other patterns sufficient to select the smallest and most desirable heat mixing zone, providing adequate zone of passage, and other plan arrangements, including those of the transmission lines and other appurtenant facilities, that will minimize harmful impacts on fish and wildlife, their habitats and uses as well as overall environmental damages;

(c) incorporate design features and operating programs and rules to avoid all avoidable harm to fish and wildlife, habitats, and uses as well as other environmental resources and uses; specifically:

(i) incorporate a cooling system design employing the best available technology and combination of facilities to minimize harmful effects on the environment, including: mechanical rather than chemical scale and algae controls; intake-outlet arrangements which minimize impingement, entrainment, and damage to productive bottoms; fish bypasses and other saving devices as well as screens at intakes;

(ii) schedule shutdowns to avoid harm to aquatic life as fully as possible;

(iii) meet all applicable water quality requirements and goals; and

(iv) adequately monitor the operations to satisfy the burden of proof upon the permittee or licensee that the foregoing and other appropriate environmental standards are met.

6. Coordination, Liaison, and Negotiation.

It is difficult to overemphasize the value of taking steps at the earliest possible time to gain participation in the planning process to permit offering suggestions of modifications and alternatives and discouraging selection of naturally productive sites or harmful methods of development. This is difficult with piecemeal private developments, but even with these, publicizing Service concerns in the media, assisting concerned citizens who responsibly involve themselves in surveillance, accepting speaking engagements, arranging symposia, educating local planning, zoning, and administrative boards, and other means can be of help in the long run.

With Federal activities close liaison by the Division Field Supervisor with the Federal planning agencies usually leads to early notice of actions and invitation to informal consultation during formulation of plans. This early consultation can be the most productive effort made by Division personnel in relation to Federal

activities. If possible the consultation should be between the Division biologist and the lead agency planner assigned to the specific survey or project.

The Ecological Services biologist must also maintain early and continuing liaison and coordination with State and National Marine Fisheries Service biologists in connection with each assignment.

Summary coordination guidelines follow:

6.1 *Coordination with the State, NMFS, EPA, Corps, other Interior bureaus, and other concerned governmental agencies.* A. Early in his review of a proposal, the Division biologist consults with his counterparts in other agencies to:

(1) Gather information from knowledgeable experts.

(2) Identify mutual interests and information sources and obtain useful data and views.

(3) Transmit project data to cooperating entities not otherwise supplied.

(4) Arrange any appropriate joint field studies.

B. As his preliminary assessment and field reconnaissance are completed and he prepares his draft report and recommendations the Division biologist continues coordination and liaison with agencies having coordinate and related responsibilities to:

(1) Assess the public interest and other professional opinion on the merits of the proposal and consider proper means of resolving any environmental issues.

(2) Alert other agencies, particularly other Interior bureaus, to any special environmental concerns in their interest discovered in the Service assessment or reconnaissance and explore any mutual environmental involvements of the proposal with such agencies.

(3) Formulate any appropriate joint position on the proposal among agencies having coordinate responsibilities.

6.2 *Coordination with the Applicant or Federal Lead Agency.*

A. Early consultation with the Federal lead planning agency can often forestall wasteful efforts addressed to environmentally unsound design or site; yet this advantage is normally long past with permit applicants. Improvement in the latter situation may result from educational efforts by concerned entities and court decisions favorable to the environment which encourage prospective applicants to seek early consultation.

B. Negotiation with the applicant or lead agency planner is conducted as appropriate throughout the Service review process.

(1) If the field appraisal has confirmed that the proposal will have adverse effects on fish and wildlife, their habitat or the naturally functioning ecosystem, efforts must be made either through the regulatory agency (in permit applications) or by direct contact with the applicant or lead agency planners, to have the plan modified to minimize damage to the resource base.

(2) The posture to be maintained by the Service representative in negotiating with applicants or lead agency planners should:

(a) Encourage acceptance of the validity of the national recognition of intrinsic high public value of shallow water and wetlands habitats through citation of *Zabel v. Tabb*, other Federal case and statutory law, local law (statutory wetlands and zoning laws and related case law), and findings of the Reuss Committee and ecologists (see App. D and G).

(b) Avoid acceptance of monetary value as the full measure of significance of ecological and other environmental impacts.

(c) Avoid expedient resolution of issues with the sponsor of the work or activity which do not satisfactorily resolve the environmental issues.

C. If the applicant or sponsor rejects suggestions for making his plans environmentally acceptable, it must be made clear that the burden of proof is on him to demonstrate that such suggestions are infeasible and that his proposal is of overriding public interest. Without such demonstration the Service policy requires that denial of the application be requested or objection to the project be raised as otherwise proper.

D. The assistance of other governmental agencies having coordinate responsibilities and interests should be requested, even urged, in direct participation and support of negotiations. Also, interested private conservation groups should be advised of the Service position.

E. Following successful negotiations, the agreed upon plan modifications for environmental purposes can be handled by:

(1) The applicant submitting a new application with acceptable plan to the permitting authority, which is then specifically comprehended by the permit and its conditions, or

(2) The applicant submitting in writing to the permitting authority his intention to adopt specific plan modifications, thus amending the application, which is then specifically comprehended by the permit and its conditions, or

(3) The Service and Department recommending and the permitting authority adopting the necessary specific conditions or stipulations as part of the permit which fully and specifically comprehend the plan modifications required for environmental and fish and wildlife protection and conservation purposes.

6.3 *Coordination on Unauthorized Work and Activities.* A. The conduct of Service personnel in exercising surveillance investigations must be cautious and above reproach. Their on-site actions must be limited to gathering information on suspected unauthorized work without unduly exciting workmen or the sponsors of the work. (See Sec. 4.3.)

B. Enforcement actions are generally the prerogative of the Corps, EPA, Coast Guard, and Justice. Once Service personnel have obtained the pertinent biological and other information necessary for action on the case and the Regional Director has alerted and formally notified the Corps, EPA, or the Coast Guard, as appropriate, with copy to the Regional Solicitor and to the appropriate U.S. Attorney, the Service should nor-

mally defer to the regulatory agency for further action. Where expedited action is justified by immediacy of the threat to highly valued resources, the Regional Director may seek assistance from the Office of the Solicitor. (See also Secs. 5.2B, 7.3, and 8.)

7. Reporting Procedures.

7.1 *Reports and Correspondence.* A. Guidelines for preparation and transmission of routine letters and reports are included in Secs. 3.000-3.999 of the Division Manual. The manual guidelines cover all kinds of river basin activities and should be followed where applicable.

B. Special letter and report formats applicable to review of permit applications are included in App. A. Standard Forms, checklists, and flow charts are included in App. B, and commonly appropriate standard recommendations for permit applications are included in App. C.

C. *General Guidelines on Report Conclusions and Recommendations.* Any of the following situations may serve as a basis for Service recommendation of denial of a Federal permit or objection to the authorization of a Federal project for similar work in navigable water. (More detailed general and specific guidelines for determining acceptability of plans are included in Sec. 5, above):

(1) The project or activity will directly destroy, damage, or degrade fish and wildlife, their habitat, or other significant environmental values, including part or all of a natural functioning ecosystem.

(2) The project will lead to, encourage, or make possible the destruction, damage or degradation of fish and wildlife, habitat, or other significant environmental values, including part or all of a natural functioning ecosystem.

(3) Public use of a natural or other environmental resource will be restricted or curtailed.

(4) Public benefits will not clearly exceed public losses, ignoring any private gains not clearly related to health, safety, or protection of property.

(5) The project purposes are not water related or dependent.

(6) Alternative upland sites are available for the proposal which would involve less environmental costs and generally better satisfy the public interest.

D. Format and Disposition of Reports.

(1) Service reports on NPDES permits are submitted by the Regional Director directly to the EPA or the State. Those on nuclear steam-electric plants are submitted through the Director to the Departmental Office of Environmental Project Review for inclusion in the Departmental report.

(2) Service reports on Federal and federally assisted projects are submitted directly to the appropriate office of the sponsoring Federal agency by the Regional Director.

(3) Procedures for review, submission of comments, and resolution of issues on navigation permit applications made to the Corps of Engineers, Department of the Army, are prescribed for all bureaus

and offices of the Department of the Interior in 503 DM 1. This Departmental Manual release implements the July 13, 1967, Memorandum of Understanding between the Departments of the Army and the Interior with respect to review of applications for permits for dredging, filling, excavation, and other related work in the navigable waters of the United States issued by the Corps of Engineers. This release assigns responsibility regarding such review to the Director, Fish and Wildlife Service, and delegates responsibility for coordination among Departmental field offices and for submission of formal Departmental communications with District and Division Engineers of the Corps to the Service's Regional Directors.

(4) A different procedure is to be followed where both the permit application and the related draft environmental impact statements are to be reviewed concurrently as described in Sec. 7.2, below.

(5) Under 503 DM 1 the Service normally has a dual role: providing the consultation and review functions mandated by the Fish and Wildlife Coordination Act and coordination and consolidation of views and recommendations of all Departmental bureaus and offices, including those of the Service, into a formal Departmental letter of comment under Fish and Wildlife Service letterhead.

(6) Informal communications with the Corps by the bureaus and offices are not precluded by 503 DM 1; in fact, each bureau and office is directed to make its own arrangements for receipt of public notices and is encouraged to conduct any necessary informal discussions with Corps personnel.

(7) (a) The role of the Service Regional Directors under 503 DM 1 is to coordinate, collate, and transmit all formal Department communications, including requests for extension of time to respond or for more information and the formal Departmental letters of comment (and/or reports) on navigation permits to District Engineers and where appropriate, to Division Engineers.

(b) The Service Regional Director must assure himself that all interested bureaus and offices of the Department have had adequate opportunity to offer comments and that all substantive comments, timely received, are reflected in the formal Departmental response to the Corps on each permit application.

(c) Any unresolved cases of disagreement among field offices of Interior bureaus will necessarily be submitted promptly to headquarters as will any other case which the Corps has indicated it will refer to Washington under the Memorandum of Understanding or which has become so controversial that either the Corps or the applicant is likely to refer it to Washington (see Sec. 7.1E(3)-(6), below).

(8) The Service does not have the above-outlined coordinating function with respect to EPA or the Coast Guard. Nor does it have such function with any other regulatory agency or in relation

to review of any Federal or federally assisted project proposals.

(9) The Regional Director's coordinated letter to the responsible Corps officer prepared under 503 DM 1, although on FWS letterhead, is the official Departmental report on a permit application and is to be so identified in the text of the letter.

(a) The first sentence of the letter report stating the Departmental position should include the Public Notice number and date, the Corps District, the waterway or other locational references, and the State.

(b) Service surveys and investigations on permits, prepared in accordance with provisions of the Fish and Wildlife Coordination Act, are to be incorporated in the letter report to the District Engineer.

(c) In the common case where the substantive comments are limited to those of the Service and any compatible views of other Interior bureaus and offices, the letter will incorporate the Service report and the other comments and views and will state that its content represents the Departmental position, or reflects fully the Departmental views and findings on the identified permit application.

(d) Service letters on such matters as unauthorized activities, failure of a permittee to abide by permit conditions, requests for extension of time, etc., may also note Departmental sanction of the concern or request.

(10) Service letters of comments and reports on other than Corps permits do not necessarily represent the Departmental position and should not so indicate unless Departmental sanction has been determined.

(11) The Departmental letter and/or Service report may be released to cooperating State and Federal agencies and the general public once the Departmental or Service letter has reached the District or Division Engineer of the Corps, Regional Administrator of EPA, or District Commander, Coast Guard.

E. Recording Permit Actions and Filing of Reports. (1) Records must be maintained in the area and regional offices of the disposition of each public notice received, actions taken, reports filed, and any required follow-up activity accomplished.

(a) Regional offices must maintain records of both Service and Departmental actions in keeping with the role of the Regional Directors as Departmental coordinators for Corps permits.

(b) In addition to maintaining a comprehensive log of permit actions, each public notice received should be filed bearing a notation of its disposition and a reference keying it to the entries made on it in the log (public notices deemed not to involve a Departmental or Service interest are nevertheless logged to assure completeness of records and ease of retrieval in event of later action).

(2) Central Office files must not be burdened. As instructed in Dr. King's memorandum of November 14, 1972

(App. E-16) only those file materials on permits specifically requested by the Central Office should normally be submitted. Exceptions are noted in par. 7.1E(5), below.

(3) The Director should be promptly alerted to permit applications and violations involving properties administered by the Service or another bureau of the Department (i.e. refuges, hatcheries, parks, recreation areas, etc.) and to situations involving policy and other significant Departmental or Service interest.

(4) Alerts on permit involvements of other bureaus of the Department should be forwarded through the Director to the Assistant Secretary for Fish and Wildlife and Parks only where the other bureau so requests, or where after notification of the other bureau that bureau agrees that inadequate attention was accorded an environmental problem.

(5) The Director should be promptly alerted to controversial permit situations which the Corps has indicated it will refer to Washington under the Memorandum of Understanding or where the applicant or the regulatory agency has so clearly objected to the Service or another bureau's recommendations that the matter will likely be referred to Washington for resolution. Where referral to Washington is deemed to be imminent the alert, in exception to par. 7.1E(2), above, should be accompanied by essential file materials and a concise summary of the case and the Department's involvements (see 503 DM 1).

(6) In cases defined above where file materials are submitted to the Central Office, only single copies of the following are required: the Public Notice and any fact sheet, a project location map (with site superimposed on quadrangle sheet or navigation chart), the completed Field Appraisal form, the Service report, any other pertinent correspondence or hearing records, and the Departmental report.

F. Resolution of Issues Following Report Release. (1) Follow-up with the regulatory agency is to be made on a continuing basis to determine the disposition of cases of concern to the Service and the Department. Copies of permits issued are to be obtained for Service files, with copy to the Central Office if appropriate.

(2) Every effort is to be made to resolve problems at the field level. However, if this is not possible, the Corps in accordance with the July 13, 1967, Memorandum of Understanding, will refer the controversial permit matters to the Under Secretary. The following procedure is followed after Interior's report is filed with the District Engineer:

The District Engineer, in deciding whether a permit should be issued, shall weigh all relevant factors in reaching his decision. In any case where Directors of the Secretary of the Interior advise the District Engineers that proposed work will impair the water quality in violation of applicable water quality standards or unreasonably impair the natural resources or the related environment, he shall, within the limits of his responsi-

bility, encourage the applicant to take steps that will resolve the objections to the work. Failing in this respect, the District Engineer shall forward the case for the consideration of the Chief of Engineers and the appropriate Regional Director of the Secretary of the Interior shall submit his views and recommendations to his agency's Washington Headquarters.

The Chief of Engineers shall refer to the Under Secretary of the Interior all those cases referred to him containing unresolved substantive differences of views and shall include his analysis thereof, for the purpose of obtaining the Department of the Interior's comments prior to final determination of the issues.

In those cases where the Chief of Engineers and the Under Secretary are unable to resolve the remaining issues, the cases will be referred to the Secretary of the Army for decision in consultation with the Secretary of the Interior.

(3) The Associate Director-Environment and Research is to represent the Service on a review committee to advise the Secretariat of the course of action to be followed in the efforts at resolution.

(4) Although procedures have not been agreed upon with regulatory agencies other than the Corps for cases of failure of resolution in the field, any such cases should be referred promptly to the Director with full particulars so that he may attempt resolution of the controversial matters at Washington level.

7.2 Environmental Impact Statements. A. Federal agencies have a responsibility to seek consultation with the Service in relation to their preparation of environmental statements required by Sec. 102(2)(C) and other provisions of the NEPA (National Environmental Policy Act) and the Service has a responsibility by law and expertise to advise such agencies.

B. The Service also has a responsibility to review draft environmental statements and to prepare comments thereon as a part of the Departmental comments made in response to requests for official review and comment on prepared draft environmental impact statements.

C. Distinction must be maintained between these two types of responsibility, as follows:

In the first, the Service should provide such advice as it considers appropriate directly to the Federal agency at field level upon its request. Where Service responsibilities are known or suspected of being involved the Service may offer any appropriate advice or remind the agency of its responsibility to consult with the Service and other environmentally expert and responsible bureaus and agencies.

In the second, the Service must make its contribution through the Department's Office of Environmental Project Review. It should comment on the accuracy of the statement with respect to fish and wildlife and related matters, on the completeness and comprehensiveness of the statement in relation to these matters, and on the compliance with the requirements of the NEPA and the guidelines of the Council on Environmental Quality.

D. Consistency must be observed as fully as possible by Service personnel not only in meeting these responsibilities but in reporting on the one or more Federal permits required for the proposal at issue. This will require some considerable care and attention in cases particularly where different persons or different times are involved in the several actions. Concurrent actions by different individuals must be closely coordinated. But in many cases, earlier action on review of a permit application must be carefully reviewed and accounted for in preparation of comments on a subsequent permit application or draft environmental statement.

If circumstances have changed so that current comment necessarily must differ from an earlier comment, a full explanation of such circumstances must be given and a persuasive justification made for the current position taken. In no case should the reviewer fail to search out and thoroughly consider the validity of earlier actions before taking a different position. On the other hand, a faulty earlier position cannot be ignored, it must be forthrightly addressed and disposed with minimum embarrassment to the Service and Department. It is expected that the problems of non-consistency will be less likely to occur in the future in that co-ordination among regulatory and review agencies will encourage if not demand concurrent review actions on related permit applications and environmental impact statements.

E. Regional offices of the Service should expect to receive documents and requests for concurrent review of permit applications and draft environmental impact statements to come to them from the Office of Environmental Project Review in Washington, particularly those involving major and extensive proposals. In these cases, the procedure described in paragraph 1.4D of 503 DM 1 will be followed, but in addition, the Service report mandated by the Fish and Wildlife Coordination Act will either be incorporated into the official Departmental comments as an identified section or where appropriate because of the length of the report or other reason, a summary of the report thus incorporated and the report itself filed directly by the Service with the appropriate office of the responsible Federal regulatory agency.

7.3 *Reporting Unauthorized Work or Activity.* A. Although a detailed report is usually not prepared on unauthorized work, complete records must be maintained (see App. B-5), a field surveillance and appraisal report prepared (App. B-2), and a request made to the regulatory agency by the Regional Director for enforcement action if it is determined that the work or activity is in fact being conducted unlawfully (i.e. without permit or in violation of the permit). It usually will be found more effective for the Regional Director to transmit his request by certified mail (see Apps. A-5 and A-6).

B. If action is not taken in a reasonably timely manner, the Regional or Field Solicitor should be requested to intercede to elicit any essential expedited

action. See the flow chart of actions on apparent illegal activities, App. B-4b. If court action ensues the investigating biologist is likely to be called to testify; see Sec. 10 for advice on such participation.

8. Follow-up of Permit Work and Surveillance of Illegal Work.

Successful achievement of the Service objectives and goals in relation to dredge and fill activities requires continuing, consistently diligent surveillance of waters and wetlands throughout the Nation by Service biologists in coordination with responsible Federal regulatory agencies to maintain a comprehensive monitoring of all activities conducted in waters under their purview.

8.1 A variety of techniques have been suggested and used to intensify surveillance coverage with the limited Service resources. These include:

A. Intensive, complete coverage of critical areas—preferably periodic (bi-weekly, monthly, or as resources permit) but varied as to timing to avoid strict regularity.

B. Comprehensive, semi-intensive coverage of an entire length of coast, river, or lake—periodic as under Sec. 8.1A, above.

C. Random, occasional coverage of a critical area or length of coast, river, or lake incidental to field reconnaissance of permit applications and other field studies.

D. Comprehensive coverage with assistance of district biologists of the State, and/or concerned citizens, and/or Service personnel of other divisions (M&E, Refuges, Technical Services)—periodic (quarterly, semiannual, or as resources permit).

8.2 Assistance in surveillance and in intensifying regulatory agency monitoring can be furthered in a number of ways:

A. Sponsoring work shops and symposia.

B. Issuing special reports documenting the value of shallow waters and wetlands in key areas, such as estuaries, and otherwise supporting the need for regional, environmentally sensitive land management planning and control.

C. Eliciting support from government agencies with coordinate interests, conservation groups, and other influential entities in urging intensified surveillance for illegal work and monitoring of permitted activities by the regulatory agency.

9. Education of the Public.

9.1 *Basis.* Informing the general public and decisionmakers of the ecological, hydrological, and legal bases of the concepts underlying the Service's intensified efforts to save the naturally functioning aquatic and related terrestrial ecosystems of shallow waters and wetlands of the Nation is essential to attaining Service goals.

This is as true for the potholes of the Midwest "duck factory" as it is for the bottomland hardwoods of the Southeast, the extensive estuarine complexes of the Atlantic, Gulf, and Alaska Coasts, the discrete estuaries of Maine and Pacific Coasts, the bays and shoreline marshes

of the Great Lakes, and the oxbows and islands of our major rivers.

9.2 *Means.* A. The Ecological Services biologist must take every opportunity to inform the public of the scientific and legal bases and assist others who are concerned to do so. But he should not merely react to opportunities, for many times these will only permit restatement of the facts to those who already are informed or are at least environmentally oriented and sympathetic. The facts of wetland and other environmental values should be brought to local governments and others who may encourage environmentally damaging development.

B. The legal references of App. D and the technical references of App. G should be perused and frequently consulted in this regard by every Division biologist, and App. H and I are useful aids to the biologist and to his efforts of educating the public and public officials.

C. To be effective in educating others, the biologist must first fully educate himself and continually renew and add breadth and depth to his vision and understanding. The involved ecosystems are in no way simple nor well-understood by even those physical and biological scientists in the forefront of research on these matters. Nevertheless, much is known and the literature is extensive, particularly on coastal and estuarine ecosystems.

D. The following items of literature cover much of the basic knowledge which must be comprehended by all Division biologists involved in dredge and fill activities:

- Annon. 1966. *Wetlands of the United States*. Circ. 39, USFWS (Repub. 1971).
- Leopold, L. B., and W. B. Langbein. 1960. *A Primer on Water*. USGS.
- Swenson, H. A., and H. L. Baldwin. 1965. *A Primer on Water Quality*. USGS.
- Teal, J. M., and M. Teal. 1969. *Life and Death of the Salt Marsh*. Audubon/Ballantine (Paperback Ed.).
- Annon. 1970. *National Estuary Study*. USFWS. 7 Vols. (especially App. A, Vol. 2; App. B, Vol. 3; and App. I, Vol. 6).
- Annon. 1970. *Our Waters and Wetlands: How the Corps of Engineers Can Prevent Their Destruction and Pollution*. U.S. Congress, House Report 91-917 (see App. D-6).
- Wharton, C. H. 1970. *The Southern River Swamp—A Multiple-Use Environment*. Georgia State University.
- Annon. 1972. *Increasing Protection for Our Waters, Wetlands and Shorelines: The Corps of Engineers*. U.S. Congress, House Report 92-1323 (see App. D-6).
- Clark, John. 1974. *Coastal Ecosystems, Ecological Considerations for Management of the Coastal Zone*. The Conservation Foundation.

Many other citations could be listed, of course, but the above, mainly written for the general reader, provide a basic essential overview from which the biologist can branch out to more definitive works. Additional technical sources are cited in the above-listed references and in the App. G-4 and G-5 articles.

E. Many methods and techniques can be used to educate the public, some of which have been noted above in relation to follow-up and surveillance activities:

(1) The media should be utilized as fully as possible to inform the public of

ecological principles through articles on locally newsworthy, current situations. Contacts can be made through concerned citizens or directly with news media to properly present the environmental viewpoint of dredge and fill issues. Discretion must be used, however, to avoid jeopardizing any ongoing negotiations with the applicant or lead agency.

(2) Participation in school programs can be helpful in furthering the education of the public on ecological principles. Here are some of the ways:

(a) Lectures and slide talks to primary, secondary, and college-level classes.

(b) Show-me field trips and summer field study classes made in cooperation with schools and summer camps organized by charitable groups, churches, etc.

(c) Field investigations, particularly inventory studies of important habitats, organized with schools to utilize student classes in ecology or field biology for the collection and identification of species, mapping of habitat types, etc.

(3) Lectures, slide talks, and show-me field trips can be profitably arranged with adult groups, especially with organizations of adults such as Rotary, Kiwanis, religious groups, etc.

F. In connection with the foregoing direct involvements with the public, further publicity can be arranged with news media and the education success can be heightened by distribution of printed material.

Such printed material is available in the Service's popular pamphlets on estuaries, endangered species, and the like, as well as from State sources, Sierra Club, Soil Conservation Service, local conservation groups, and many others.

Also, special publications can be prepared by the Service such as those prepared by the Northeast Region on the Long Island wetlands, by the Pacific Region on Southern California estuaries and coastal wetlands, and by the Southeastern Region on guideline for permit applications.

10. Participation in Judicial and Other Hearings.

10.1 Basis. A. Involvements with navigation permits frequently requires participation by Service personnel in the resolution of issues through hearings.

B. Participation in judicial hearings, and presumably in those quasi-judicial hearings and proceedings of regulatory agencies such as the Corps, EPA, AEC, and FPC, must be authorized in writing by the Regional Director (see Service Manual 6 AM-3.1). If the Director on advice of the Regional Director decides that participation is not proper, the Solicitor, acting for the Secretary, reviews the decisions and provides counsel on related legal actions.

C. The Office of the Solicitor should be kept advised of any judicial involvements of the Service; his office should be called upon to serve as liaison with U.S. and other attorneys and to provide any other needed counsel. Any publicity of hearing matters must be restricted to that approved by counsel.

D. This section is addressed to participation by Service personnel on matters of fact or expert opinion in hearings in relation to Government business and records. Participation by Service employees as expert witnesses in proceedings between private litigants is normally prohibited. Yet an employee may be permitted to testify as an expert on his own time at his own expense if he clearly avoids representing his testimony as in any way stating official position.

10.2 Gathering Information in Support of Testimony at Hearings. A. On-site, first-hand observations and data usually will provide far more persuasive evidence in judicial hearings than evidence from the literature, although familiarity with the literature and other sources of information is also essential to well rounded testimony.

B. In preparation for cases to be brought to court or other formal hearing the Service biologist must not only search out all available knowledge from cooperators and other sources, but he must also make as detailed and comprehensive field studies as time and his resources of manpower and equipment will permit.

C. Field investigations on-site ideally include:

(1) An inventory (population estimates by species) and delineation on maps of the distribution of all important species of plants and animals in the impact area;

(2) Determination of the salient physical and chemical characteristics of impact area waters—temperatures, salinities, current patterns, tidal ranges, sediment transport and shoaling patterns, turbidity, dissolved oxygen, degree of pollution, stream discharge rates, turnover or flushing rates, etc.;

(3) Estimation of human uses and satisfactions including sport and commercial harvests;

(4) Comparison of topographic and other data furnished by the project sponsor with that observed on-site to detect any discrepancies;

(5) Assessment of the physical, biological, and esthetic impacts of the proposed works from on-site observations made while visualizing and imagining the planned works in place and noting the agreement of plan orientation points, borrow areas, fill areas, roads, etc., to observed physical, biological, and other environmental features of the site, including tide marks, vegetation lines (by species), depth lines, water current lines, etc.; and

(6) Documentation by written field notes, photographs, map notations, instrument readings, biological samples, records of interviews, etc., including completed field appraisal forms for each significantly different instance of field observation (see Apps. B-2 and B-3).

10.3 Preparation of Material for Legal Briefs or Submission for the Record. A. The witness must prepare his testimony and record material in the closest possible harmony with his attorney.

B. Since each hearing officer or judge has wide latitude in laying down require-

ments of format, time of submittal, number of copies, and other matters related to presentation of record material within the differing guidelines of the several regulatory or judicial forums, only a few general guiding principles can be set forth here:

(1) The points of fact or opinion to be developed must be jointly selected by the attorney and witness, seeking those that can be presented most persuasively and eschewing weak points and those on which the attorney and witness are both fully conversant.

(2) The points selected must be thoroughly researched by the witness and explored fully with the attorney to reach common understanding and develop the proper means of presentation.

(3) The points selected must also be critically examined with help of counsel to discover potential weaknesses and develop rebuttal answers to questions that may be posed by opposing attorneys.

(4) With guidance from his attorney, the witness must prepare his brief and record material strictly in accordance with the standards and requirements of the hearing officer or court.

10.4 Oral Testimony. A. Advice on this point is given in the Service Manual (6 AM 3.1B) as follows:

In an appearance on the witness stand, an employee should keep this advice in mind:

1. Be sure the question is understood before giving an answer.

2. Do not be rushed into answering; stay calm and deliberate.

3. Be as courteous and responsive as possible.

4. Stick to facts and do not venture into hearsay and opinion. (An exception might be in the case of expert opinions.)

B. The Manual advice is good. However, the Ecological Services biologist usually will be testifying as an expert witness and need not hesitate to express opinion he believes to be well founded on his training and experience.

C. Some additional advice particularly related to adversary proceedings follows:

(1) Avoid involved answers which open up debatable points or burden the proceedings. Yet do not assume the hearing officer knows or already understands the facts of the situation or the basic ecological principles; give simple, concise, and fully intelligible answers that form a complete record.

(2) Be alert for questions which permit fuller development of your position.

(3) Do not try to answer unanswerable questions or those for which you do not know the factual answer, unless the question admits of developing your position in a tangential way.

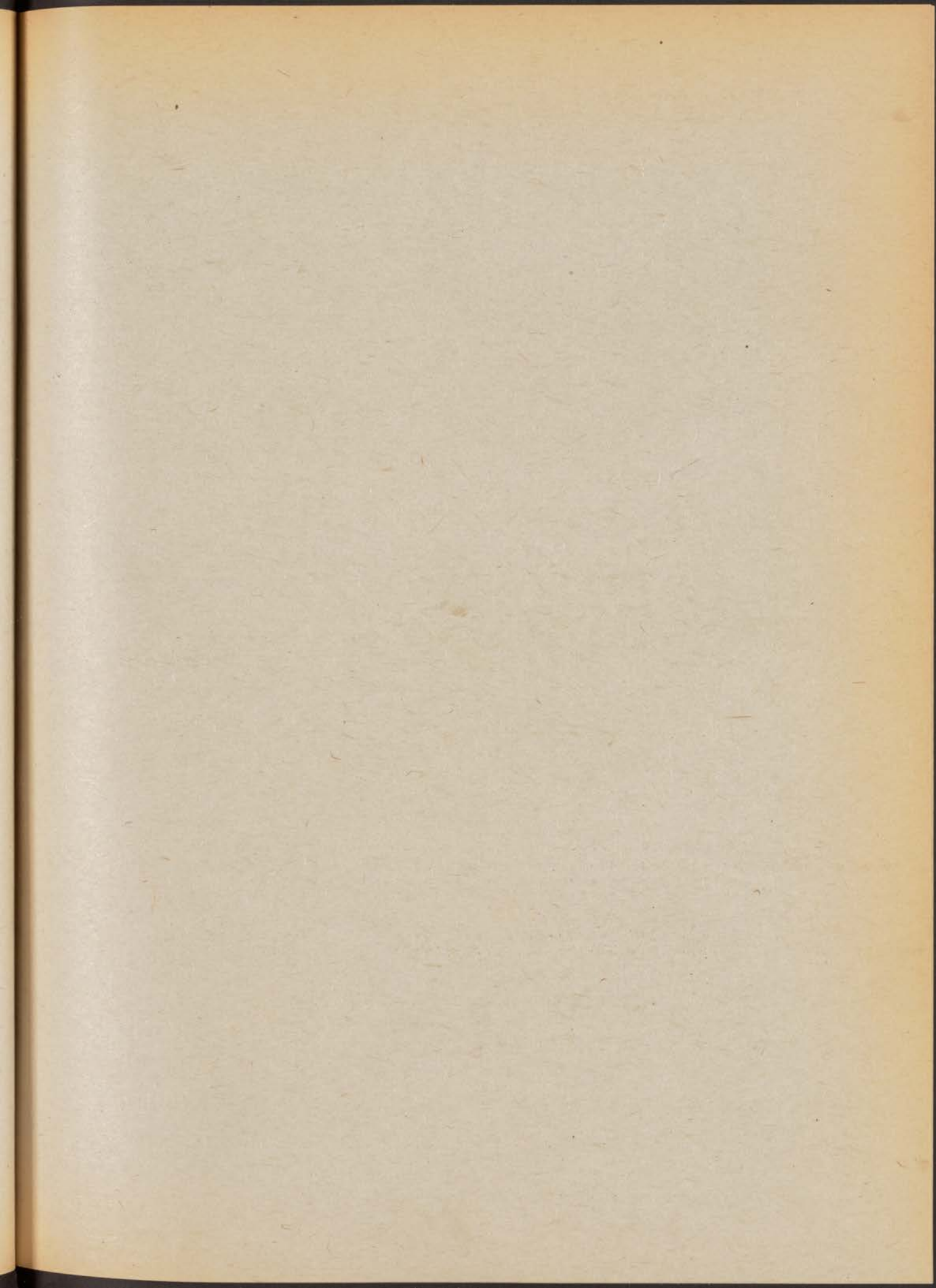
(4) Shun belligerency; it is never helpful to your credibility or position.

(5) Avoid evasive, counter-punching, or "cute" answers which can only alienate the hearing officer or judge; such answers will not help your position.

F. V. SCHMIDT,
Deputy Director,
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